

Chapter Planning Guide



Key to Ability Levels

| | |
|-----------------------|--------------------------------------|
| BL Below level | AL Above level |
| OL On level | ELL English Language Learners |

Key to Teaching Resources

| | |
|----------------|--------------|
| Print Material | DVD |
| CD-ROM | Transparency |

| Levels | | | | Resources | | Chapter Opener | Section 1 | Section 2 | Section 3 | Section 4 | Chapter Assess |
|--------|----|----|-----|-----------|--------------------------------------------------|----------------|-----------|-----------|-----------|-----------|----------------|
| BL | OL | AL | ELL | | | | | | | | |
| | | | | | FOCUS | | | | | | |
| BL | OL | AL | ELL | | Daily Focus Skills Transparencies | | 8-1 | 8-2 | 8-3 | 8-4 | |
| | | | | | TEACH | | | | | | |
| BL | OL | | ELL | | Reading Essentials and Note-Taking Guide* | | p. 75 | p. 78 | p. 81 | p. 84 | |
| | OL | AL | | | Citizenship/Decision-Making Activity, URB | | | | p. 3 | p. 3 | |
| BL | OL | | ELL | | Reading Skills Activity, URB | | p. 7 | | | | |
| BL | OL | AL | ELL | | Speaking and Listening Skills Activity, URB | | | | | p. 9 | |
| BL | OL | AL | ELL | | Content Vocabulary Activity, URB* | p. 69 | p. 69 | p. 69 | p. 69 | p. 69 | |
| BL | OL | AL | ELL | | Academic Vocabulary Activity, URB | p. 71 | p. 71 | p. 71 | p. 71 | p. 71 | |
| | OL | | | | Biography Activity, URB | | | | p. 73 | | |
| BL | OL | AL | ELL | | Writing Skills Activity, URB | | p. 75 | p. 75 | | | |
| | OL | AL | | | Critical Thinking Skills Activity, URB | | | | p. 77 | p. 77 | |
| BL | OL | AL | ELL | | Chart, Graph, and Map Skills Activity, URB | | | p. 79 | | p. 79 | |
| BL | OL | AL | ELL | | Differentiated Instruction, URB | | | | p. 81 | | |
| BL | OL | AL | ELL | | School-to-Home Connection Activity, URB* | | p. 83 | p. 83 | p. 83 | p. 83 | |
| BL | OL | | ELL | | Guided Reading Activities, URB* | | p. 87 | p. 88 | p. 89 | p. 90 | |
| | OL | AL | | | Supreme Court Cases | | ✓ | ✓ | ✓ | ✓ | |
| BL | OL | AL | ELL | | Writer's Guidebook | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| | OL | AL | | | Primary Source Document Library CD-ROM | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| BL | OL | AL | ELL | | Vocabulary PuzzleMaker CD-ROM | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| BL | OL | AL | ELL | | Daily Lecture & Discussion Notes (in Pres. Plus) | | ✓ | ✓ | ✓ | ✓ | ✓ |
| BL | OL | AL | ELL | | StudentWorks™ Plus DVD | | ✓ | ✓ | ✓ | ✓ | ✓ |
| BL | OL | AL | ELL | | Section Video Program | | ✓ | ✓ | ✓ | ✓ | |
| BL | OL | AL | ELL | | TIME Interpreting Political Cartoons Transp. | | | | Ch. 8 | | |
| BL | OL | AL | ELL | | Writing Process Transparencies | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |

Note: Please refer to the *Unit Resource Book: The National Government* for this chapter's URB materials.

* Also available in Spanish



- Interactive Lesson Planner
- Interactive Teacher Edition
- Fully editable blackline masters
- Section Spotlight Videos Launch
- Differentiated Lesson Plans
- Printable reports of daily assignments
- Standards Tracking System

| Levels | | | | Resources | | Chapter Opener | Section 1 | Section 2 | Section 3 | Section 4 | Chapter Assess |
|--------------------------|----|----|-----|-----------|-----------------------------------------------|----------------|-----------|-----------|-----------|-----------|----------------|
| BL | OL | AL | ELL | | | | | | | | |
| | | | | | TEACH <i>(continued)</i> | | | | | | |
| Teacher Resources | | | | | Building Academic Vocabulary | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| | | | | | Strategies for Success | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| | | | | | Teacher's Guide to Differentiated Instruction | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| | | | | | Graph Tool CD-ROM | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| | | | | | Presentation Plus! DVD | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| | | | | | ASSESS | | | | | | |
| BL | OL | AL | ELL | | Quizzes and Tests* | | p. 88 | p. 89 | p. 90 | p. 91 | p. 92 |
| BL | OL | AL | ELL | | Authentic Assessment with Rubrics | | | p. 12 | p. 12 | | |
| BL | OL | AL | ELL | | Standardized Test Practice | | p. 15 | p. 15 | p. 15 | p. 15 | p. 15 |
| BL | OL | AL | ELL | | ExamView® Assessment Suite CD-ROM | | 8–1 | 8–2 | 8–3 | 8–4 | Ch. 8 |
| BL | OL | AL | ELL | | Interactive Tutor Self-Assessment CD-ROM | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| | | | | | CLOSE | | | | | | |
| BL | | | ELL | | Reteaching Activity, URB* | | p. 85 | p. 85 | p. 85 | p. 85 | |
| BL | OL | | ELL | | Reading and Study Skills Foldables™ Activity | p. 64 | | p. 65 | | p. 65 | |
| BL | OL | AL | ELL | | Graphic Organizer Transparencies & Strategies | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |

Using the Primary Source Document Library

Searching Based on Concepts

Technology Product

Glencoe's *American History Primary Source Document Library* CD-ROMs includes more than 200 primary source documents. The documents provide new sources of knowledge that encourage students to think critically about history and historical concepts. The *American History Primary Source Document Library* allows you to

- select from broad study concepts to access primary source documents related to that area of study;
- choose from selected documents pertaining to the concept chosen to read and/or listen to;
- utilize **Teaching Strategies, Questions/Answers,** and **Blackline Masters** resources in conjunction with the primary source document to maximize student learning.

Steps

- After launching **Primary Source Document Library CD-ROM**, choose the **Concepts** button.
- Select a time period.
- Select from the list of documents available on the chosen topic. An **audio clip** icon in the margin indicates documents that include audio.
- Review the **Document Overview** and **Guided Reading Questions** at the top of each document.
- Click on the **User's Guide and Teaching Strategies** link in at the bottom of the bookmarks listed on the left. Select **To the Teacher** and **Teaching Strategies** for teaching suggestions and procedures using the primary source documents.
- Select **Questions/Activities** and **Blackline Masters** for worksheets and organizers created for use with the primary source documents.

Civics ONLINE

| | Student | Teacher | Parent |
|---------------------------|---------|---------|--------|
| Beyond the Textbook | • | • | • |
| Chapter Overviews | • | • | • |
| Concepts in Motion | • | | • |
| ePuzzles and Games | • | | • |
| Glencoe Teaching Today | | • | |
| Literature Connections | | • | |
| Multi-Language Glossaries | • | | • |
| Online Student Edition | • | • | • |
| Section Videos | • | • | • |
| Self-Check Quizzes | • | | • |
| Student Web Activities | • | | • |
| Study Central™ | • | | • |
| TIME Current Events | • | | • |
| Vocabulary eFlashcards | • | | • |
| Web Activity Lesson Plans | | • | |

Glencoe Media Center

glencoe.com

> Study-to-Go

- Vocabulary eFlashcards
- Self-Check Quizzes

> Audio/Video

- Student Edition Audio
- Spanish Summaries

Reading List Generator CD-ROM

BOOKLINK 3

Use this database to search more than 30,000 titles to create a customized reading list for your students.

- Reading lists can be organized by students' reading level, author, genre, theme, or area of interest.
- The database provides Degrees of Reading Power™ (DRP) and Lexile™ readability scores for all selections.
- A brief summary of each selection is included.

Leveled reading suggestions for this chapter:

For students at a Grade 7 reading level:

- *Roe v. Wade: The Right to Choose*, by Simone Payment

For students at a Grade 8 reading level:

- *Demanding Justice: A Story about Mary Ann Shadd Clay*, by Jeri Chase Ferris

For students at a Grade 9 reading level:

- *The March of the Mill Children*, by Judith Pinkerton Josephson

For students at a Grade 10 reading level:

- *The Supreme Court of the United States*, by David Heath

For students at a Grade 11 reading level:

- *Great Justices of the Supreme Court*, by Nathan Aeseng

READING SUPPORT FROM JAMESTOWN EDUCATION

- **Timed Readings Plus in Social Studies** helps students increase their reading rate and fluency while maintaining comprehension. The 400-word passages are similar to those found on state and national assessments.
- **Reading in the Content Area: Social Studies** concentrates on six essential reading skills that help students better comprehend what they read. The book includes 75 high-interest nonfiction passages written at increasing levels of difficulty.
- **Reading Social Studies** includes strategic reading instruction and vocabulary support in Social Studies content for both ELLs and native speakers of English.
- **Content Vocabulary Workout** (Grades 6–8) accelerates reading comprehension through focused vocabulary development. Social Studies content vocabulary comes from the glossaries of Glencoe's Middle School Social Studies texts. www.jamestowneducation.com

KEY Teacher Wraparound

Use this key to help you identify the different types of prompts found in the Teacher Wraparound Edition.

R **Reading Strategies** activities help you teach reading skills and vocabulary.

C **Critical Thinking** strategies help students apply and extend what they have learned.

D **Differentiated Instruction** activities provide instruction for students learning to speak English, along with suggestions for teaching various types of learners.

S **Skill Practice** strategies help students practice historical analysis and geography skills.

W **Writing Support** activities provide writing opportunities to help students comprehend the text.

Teaching strategies and activities have been coded for ability level appropriateness.

AL Activities for students working above grade level

OL Activities for students working on grade level

BL Activities for students working below grade level

ELL Activities for English Language Learners

Focus

Why It Matters

Ask: What would our country be without a judicial system or a way of enforcing our laws? (Answers may include the idea that without a judicial system to uphold the Constitution, citizens would not have equal justice under the law.)

More About the Photo

Visual Literacy What makes this picture interesting is that Chief Justice Roberts' son is a young boy. Before Roberts was appointed to the Supreme Court, the average age of the justices was 70. Chief Justice John Roberts, Jr., 50, replaced William Rehnquist, 80, who had died after serving 33 years as an associate and later as chief justice. From 1780 to 1970, a justice on the Supreme Court served, on average, almost 15 years. Since 1970, the average has increased to about 25 years. Some people wonder if there should be term limits for Supreme Court justices, claiming that the Framers of the Constitution did not intend for anyone to hold such a powerful office for life.

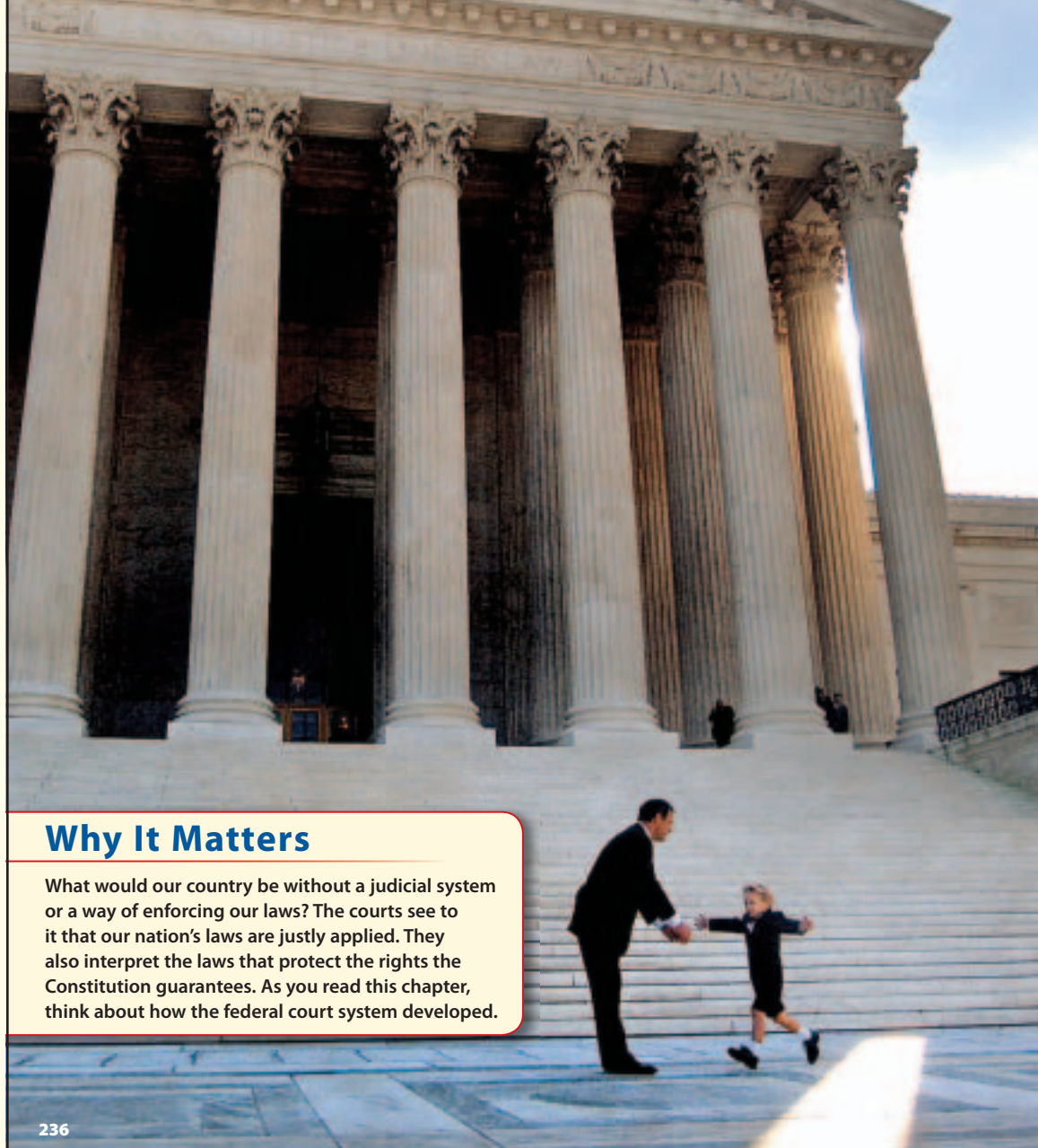
Teach

BIG Ideas As you begin teaching each section, use these questions and activities to help students focus on the Big Ideas.

Section 1

The Federal Courts **Ask:** Why does there have to be a federal court system? (The federal court system guarantees that citizens in all states have equal justice under the law. There may be special cases that state courts alone cannot resolve.)

The Judicial Branch



Why It Matters

What would our country be without a judicial system or a way of enforcing our laws? The courts see to it that our nation's laws are justly applied. They also interpret the laws that protect the rights the Constitution guarantees. As you read this chapter, think about how the federal court system developed.

Point out that in Section 1, students will learn how the judicial branch upholds the Constitution and enforces our nation's laws. **OL**

Section 2

How Federal Courts Are Organized

Ask: How many types of courts are there in the federal system? (There are three types of federal courts: district courts, courts of appeals, and the Supreme Court.) Tell students that in Section 2, they will learn about the organization of the federal court system and the role of federal judges and other court officials. **OL**

BIG Ideas

Section 1: The Federal Courts

Under our federal system, the executive, legislative, and judicial branches share the responsibility of governing the nation. Three levels of federal courts try to ensure that everyone in the United States receives equal justice under the law.

Section 2: How Federal Courts Are Organized

Under our federal system, the executive, legislative, and judicial branches share the responsibility of governing the nation. The different levels of federal courts each deal with a different caseload, ensuring all citizens receive a speedy trial or day in court.

Section 3: The Supreme Court

The judicial branch is charged with interpreting the law. The Supreme Court's decisions have wide-ranging effects because court justices interpret the meaning of the U.S. Constitution.

Section 4: The Supreme Court at Work

The judicial branch is charged with interpreting the law. Supreme Court justices weigh many factors and go through several complex steps before making a decision.

◀ Chief Justice John Roberts, Jr., and his son on the steps of the U.S. Supreme Court

FOLDABLESTM Study Organizer

Dinah Zike's Foldables

Purpose This Foldable guides students into understanding the differences between what they know or think they know about the federal judicial system and what they are learning. The completed Foldable will help them write their comparisons as well as help them prepare for assessment. **OL**

More Foldables activities for this chapter can be found in the *Dinah Zike's Reading and Study Skills Foldables* ancillary.

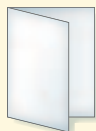
Civics ONLINE

Introduce students to chapter content and key terms by having them access the **Chapter Overview** at glencoe.com.

FOLDABLESTM Study Organizer

Sequencing Information Study Foldable Make the following Foldable to help you analyze and sequence key influences and responsibilities of the judicial branch of government.

Step 1 Fold a sheet of paper in half from the long way with edges evenly together.

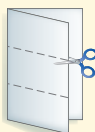


Step 2 Turn the paper and fold it into thirds.

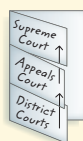
Reading and Writing

As you read the chapter, compare and note the details of the responsibilities of each level of the court system from least influence to greatest influence.

Step 3 Unfold and cut along the two folds on the front flap to make three tabs.



Step 4 Label as shown, including arrows.



Section 3

The Supreme Court Ask: Why is it called the Supreme Court? (It is called the Supreme Court because it is the highest court in the land. It has the final say on any appealable case.) Explain that in Section 3, students will learn how the Supreme Court is organized, how justices are appointed, and the limits of its power. **OL**

Section 4

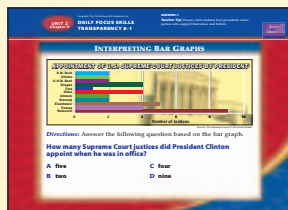
The Supreme Court at Work Ask: Does the Supreme Court hear every case that comes before it? (No, the justices must select which cases to hear.) Explain that in Section 4, students will learn how the Supreme Court functions, how cases are heard, and the factors that influence decisions. **OL**

Focus



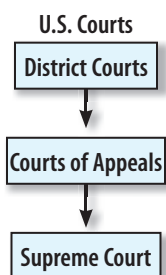
Bellringer

Daily Focus Transparency 8-1



Guide to Reading

Answers to Graphic:



Section Spotlight Video

To learn more about the federal courts, have students watch the Section Spotlight Video for this section.

Resource Manager

The Federal Courts

Guide to Reading

Big Idea

Under our federal system, the executive, legislative, and judicial branches share the responsibility of governing the nation.

Content Vocabulary

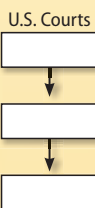
- circuit (p. 240)
- jurisdiction (p. 240)
- exclusive jurisdiction (p. 242)
- concurrent jurisdiction (p. 242)

Academic Vocabulary

- acknowledge (p. 239)
- circumstance (p. 242)

Reading Strategy

Organizing As you read, complete a graphic organizer like the one below to identify the three levels of courts in the U.S. justice system.



Real World Civics Can you imagine being forced to live in a strange place simply because of your nationality? That is exactly what happened to these young boys during World War II. During the United States war with Japan, President Roosevelt ordered Japanese Americans to be sent to internment camps so that they could not spy on America. More than half of those interned in the “camps” were naturalized American citizens. By the 1980s the U.S. admitted it had acted too harshly, apologized to those who had been wrongly interned, and paid them damages.

▼ Young Japanese children interned at Manzanar War Relocation Center in California during World War II



R Reading Strategies

Teacher Edition

- Inferring, p. 239
- Making Connections, p. 240
- Predicting, p. 241

Additional Resources

- Read. Skills, URB p. 7
- Cont. Vocab., URB p. 69
- Guid. Read., URB p. 87
- RENTG., p. 75

C Critical Thinking

Teacher Edition

- Pred. Consequences, p. 239
- Ident. Cent. Issues, p. 240

Additional Resources

- Quizzes and Tests, p. 88

D Differentiated Instruction

Teacher Edition

- English Learners, p. 240
- Special Ed., p. 242

Additional Resources

- School-to-Home Act., URB p. 83
- Reteach. Act., URB p. 85

W Writing Support

Teacher Edition

- Personal Writing, p. 241

Additional Resources

- Writing Skills Act., URB p. 75

S Skill Practice

Teacher Edition

- Using Geo. Skills, p. 241

Additional Resources

- Daily Focus Trans., 8-1

Teach

R Reading Strategy

Inferring Ask: Why do you think the Japanese Americans were interned without a trial? (The United States was at war with Japan, so anyone of Japanese ancestry was considered a threat.) **OL**

C Critical Thinking

Predicting Consequences Have students reread the quotation from Justice William O. Douglas, *Ex parte Endo*, 1944. **Ask:** What would the outcome have been if the other justices had not shared his view? (Justice Douglas believed that being Japanese did not make one a traitor or a threat to the United States during World War II. Without this basic belief, the court would not have decided as it did, and most Japanese Americans would have been denied the basic liberties of all citizens.) **OL**

Caption Answer:

Students may say that it would be difficult to find an impartial jury for someone accused of terrorism. Whenever there is a climate of anger or fear, it is difficult for most people to be fair or free of prejudices.

Differentiated Instruction



Right to Trial The judicial system provides fair trials to all accused, even if the crimes involve attacks against the United States, as in the case of accused al-Qaeda conspirator Zacarias Moussaoui. **Predicting** What difficulties might arise in finding a fair jury to judge a crime such as terrorism?

Equal Justice for All

Main Idea The courts that make up the judicial branch try to ensure that our nation's laws are justly enforced.

Civics & You Do you think a society could exist without a court system that determines in a fair manner if laws have been broken? Read about the powers of the courts as established in the Constitution.

A native-born citizen, Mitsuye Endo was fired from a California state job in 1942 and sent to a relocation center like the boys discussed on the previous page. Her lawyer challenged the War Relocation Board's right to intern a loyal American citizen.

Endo took the matter to the Supreme Court and won her case. In 1944, the Court ruled that Endo "should be given her liberty." Justice William O. Douglas proclaimed that

"A citizen who is concededly loyal presents no problem of espionage or sabotage. Loyalty is a matter of the heart and mind not of race, creed, or color."

—*Ex parte Endo*, 1944

Later the United States government would **acknowledge**, or admit to, the injustice of the internment camps and apologize. Shortly after the Court made its decision in the *Ex parte Endo* case, many detained Japanese Americans were released and returned home.

Differentiated Instruction Activity 8

Selecting Supreme Court Justices

When there is a vacancy for a U.S. Supreme Court justice, the president nominates a person to the Senate's Judiciary Committee. The committee investigates and questions the person at length. If the Judiciary Committee recommends the person, the Senate considers the nominee and other candidates for the position. The Senate's original choice is the nominee who receives the most votes. If the Senate is unable to reach a decision, the president may nominate another person.

On September 8, 2005, President George W. Bush nominated Justice Sandra Day O'Connor to the Supreme Court. She was the first woman to be nominated to the Supreme Court. Justice O'Connor was confirmed by the Senate on September 21, 2005. What follows is a speech delivered by Senator Bill Frist just before the Senate vote on O'Connor's nomination.

Directions: Use the excerpt from Senator Frist's speech as well as the information found in your textbook to answer the questions below on a separate sheet of paper.

1. **Speaking** What qualifications and personality traits does Senator Frist claim Judge Roberts has that would make him a worthy Chief Justice?
2. **Deciding** Based on Senator Frist's speech, would you vote to confirm Judge Roberts as the Supreme Court's Chief Justice? Why or why not?

Selecting Supreme Court Justices

- Objective:** To understand the process of selecting Supreme Court justices
- Focus:** Have students read Senator Frist's speech about Chief Justice Roberts.
- Teach:** Discuss the importance of Senate confirmation hearings.
- Assess:** Discuss students' answers to the questions posed on page 81.
- Close:** Make a list of ideal qualities for a Supreme Court justice.

Differentiated Instruction Strategies

- BL** Tell what the Senate's role is in selecting a Supreme Court justice.
- AL** Why would the Judiciary Committee not recommend a nominee?
- ELL** Explain the phrase "he will check political views at the door to the Court."

D Differentiated Instruction

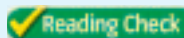
English Learners Point out the word “parties” in the second paragraph. **Ask:** What two meanings does this word have? (Most often, it refers to festive gatherings. In a court of law, however, it refers to a person, persons, or group involved in a legal proceeding.) **ELL**

C Critical Thinking

Identifying Central Issues **Ask:** What sort of case might be presented to the Supreme Court that does not involve a decision of guilt or innocence? (a civil court case whereby one party is pressing for protection under the Constitution) **AL**

R Reading Strategy

Making Connections **Ask:** If there is a system of federal courts, why does there have to be a parallel system of state courts? (Students may point out that the state courts were in place before the federal system and that a parallel system of state and federal courts provides another form of checks and balances.) **OL**



Answer: Every accused person has the right to a public trial and a lawyer. A person is innocent until proven guilty and has the right to appeal, or ask for a review.

Differentiated Instruction

Role of the Courts

Federal courts, such as the Supreme Court, make up the third branch of the U.S. government. Courts use the law to settle civil disputes and to decide the guilt or innocence of people accused of crimes.

Whether a civil dispute is between two private parties (people, companies, or organizations), between a private party and the government, or between the United States and a state or local government, both sides come before a court. Each side presents its position. The court then applies the law to the facts that have been presented and makes a decision in favor of one or the other. The courts also hold criminal trials in which witnesses present evidence and a jury or a judge delivers a verdict.

Equal Treatment

The United States Supreme Court is at the top of the federal court system. If you visit the Court, you will see the words “Equal Justice Under Law” on the face of its marble building. Our legal system is based on this important ideal. The goal of the legal system is to treat every person the same. Under the Constitution, every person accused of breaking the law has the right to have a public trial and a lawyer. If an accused person cannot afford a lawyer, the court will appoint and pay for one. Each person is presumed innocent until proven guilty and has the right to ask for a review of his or her case if, in that person’s view, the courts have made a mistake.

The ideal of equal justice is difficult to achieve. Judges and juries are not free from personal prejudices or the prejudices of their communities. Poor people do not have the money to spend on the best available legal help, unlike wealthy citizens and large companies. Nonetheless, American courts try to uphold the ideal of equal justice.



Describing Under the Constitution, what rights does every accused person have?

Federal Courts

Main Idea The Constitution gives the federal courts the authority to hear and decide certain types of cases.

Civics & You Do you know anyone who has had to go to court or has served on a jury? Read to learn about what kinds of cases are heard in federal courts.

From 1781 to 1789, when the United States was governed by the Articles of Confederation, there was no national court system. Each state had its own laws and its own courts. There was no way to guarantee that people would receive equal justice in all the states.

To deal with this problem, the writers of the Constitution provided for a federal judiciary. Article III of the Constitution established a national Supreme Court. It also gave Congress the power to establish lower federal courts.

Over the years, Congress has created two kinds of lower courts. In 1789 it passed the Judiciary Act, which established federal district courts and circuit courts of appeals. Much later, in 1891, Congress created a system of federal appeals courts and the **circuits** or districts they serve. Thus, the federal court system has three levels—the district courts at the lower level, the appeals courts in the middle, and the Supreme Court at the top.

Our federal court system exists alongside 50 separate state court systems. Each state has its own laws and courts. The state courts get their powers from state constitutions and laws. You will read more about state courts in Chapter 12.

Federal Court Jurisdiction

Article III of the Constitution gives federal courts **jurisdiction**—the authority to hear and decide a case—only in cases that involve one of the following:

Leveled Activities

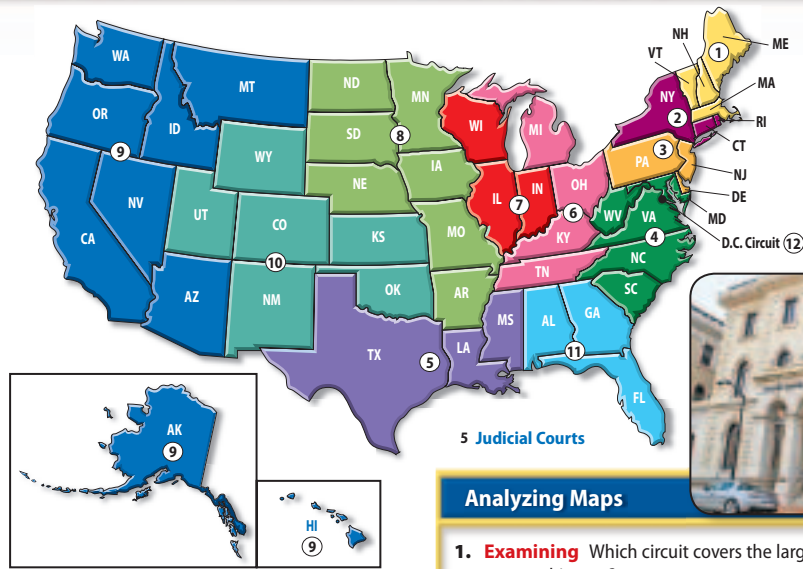
BL Content Vocabulary Activity 8, URB p. 69

OL Reading Skills Activity 2, URB pp. 7–8

AL Writing Skills Activity 8, URB pp. 75–76

ELL Guided Reading Activity 8–1, URB p. 87

Federal Judicial Circuits



5 Judicial Courts

Analyzing Maps

- Examining** Which circuit covers the largest geographic area?
- Analyzing** District 3 is smaller than District 10. Why do you think this is so?

The Constitution For example, if a person believes a constitutional right, such as freedom of speech, has been violated, that person has a right to be heard in a federal court.

Federal Laws Federal courts try people accused of federal crimes such as kidnapping, tax evasion, and counterfeiting. Federal courts also hear civil cases that involve federal laws.

Disputes Between States Disagreements between state governments are resolved in federal courts. If Colorado and California, for example, disagree over rights to water in the Colorado River, it is a federal case.

Citizens from Different States Lawsuits between citizens of different states also come under the federal courts. For example, Ms.

Jones of Maine may bring suit in a federal court against Mr. Smith of Iowa for not fulfilling his part of a business agreement.

The Federal Government The U.S. government, for example, could take a company to court for failing to live up to a contract to deliver supplies to a government department. Individuals or companies can also take the government to court. For instance, if a United States Army van struck your car or the Department of the Interior failed to pay your company for equipment, you could sue the government.

Foreign Governments and Treaties In any dispute between a foreign government and the United States government, an American company, or an American citizen, the case will be heard in a federal court.

S Skill Practice

Using Geography Skills Ask students to identify the states within each district. Using what they know about each state's population, what generalization could they make about how the states were divided into circuits. (With the exception of the 9th district, the districts vary in land area but have similar populations.) **OL**

W Writing Support

Personal Writing Have students write a paragraph or poem explaining what constitutional right means to them. They may include personal anecdotes. **OL**

R Reading Strategy

Predicting Ask: What could happen if there were no federal court to help California and Colorado resolve their dispute over rights to a precious resource such as water? (Students may point out that without federal court involvement, states could fight.) **BL**

Analyzing Maps

Answers:

- District 9
- The population density of District 3 is greater.

Hands-On Chapter Project

Step 1

A Day in Court

Step 1: Getting Started During a mock trial, students will assume the roles and responsibilities of people involved in Mitsuye Endo's court case, starting at the district level, through the appeals court, and ultimately to the Supreme Court.

Directions Write the Big Idea on the board. Divide the class into thirds. To each group assign one of the levels of federal courts. Explain that they will be working on Mitsuye Endo's case.

Setting a Purpose Tell groups to research the Executive Orders that Roosevelt enacted that made possible the internment of

Mitsuye Endo. Groups will use this information in Section 2 to decide how they plan to present their cases in court. **OL**
(Project continued in Section 2)

D Differentiated Instruction

Special Education Draw an 8-legged spider word map on the board with “federal jurisdiction” in the body. Then read aloud pages 241–242 describing the eight kinds of court cases over which federal courts have jurisdiction. Invite volunteers to write the type of each case on one of the spider legs. **Ask:** *If a driver hits and hurts a pedestrian and flees the scene but is later caught by the police, does the case go to a state court or a federal district court?* (state court) **BL**

Reading Check Answer: Article III

Assess



Study Central™ provides summaries, interactive games, and online graphic organizers to help students review content.

Close

Summarizing Have students work in small groups. Using their graphic organizers, they can present a two-minute overview of the federal court system. **OL**

Section 1 Review

Admiralty and Maritime Laws These laws concern crimes and accidents outside territorial waters. For example, a case involving disagreement over the rights of property recovered from a shipwreck would be tried in federal court.

U.S. Diplomats If, for example, an American diplomat working in the U.S. embassy in France is accused of breaking an American law, the case would go to a federal court.

Types of Jurisdiction

D For most of the areas just described, federal courts have **exclusive jurisdiction**, which means that only the federal courts may hear and decide cases. In the dual court system, federal courts have jurisdiction over cases involving federal laws, while state courts

have jurisdiction over cases involving state laws. Most U.S. court cases involve state law and are tried in state courts.

Under some **circumstances**, or instances, however, both federal and state courts have jurisdiction, a situation known as **concurrent jurisdiction**. Either court may try crimes that violate both state and federal law. Concurrent jurisdiction also applies when citizens of different states are involved in a dispute concerning at least \$50,000. In such a case, a person may sue in either a federal court or a state court. If the person being sued insists, however, the case must be tried in a federal court. Such appeals might eventually reach the United States Supreme Court.

Reading Check Identifying Which article of the Constitution lists the jurisdiction of federal courts?

Section 1 Review

Vocabulary

1. **Define** *jurisdiction*. Then explain the difference between *exclusive* and *concurrent jurisdiction*.

Main Ideas

- Explaining** What is meant by the words that are inscribed on the United States Supreme Court building: “Equal Justice Under Law.”
- Describing** Why do you think federal courts rule on disputes between states? What would be an example of such a case?

Critical Thinking

- Describing** How did the federal court system develop?
- BIG Idea** On a chart like the one below, write four kinds of cases for which federal courts have jurisdiction and give an example of each kind of case.

| Kinds of Cases | Examples |
|----------------------------------|---------------------------------------------------|
| Cases involving the Constitution | Person believes First Amendment right is violated |
| | |
| | |
| | |

- Analyzing Visuals** Study the map of federal judicial circuits and districts on page 241. In which judicial circuit is your state?

CITIZENSHIP Activity

- Expository Writing** Do research on the United States Supreme Court in the library or online. Select a famous case decided by the Supreme Court. Of the eight kinds of cases for which federal courts have jurisdiction, under which kind does your case fall? Write a paragraph explaining your choice.



Study Central™ To review this section, go to glencoe.com.

Answers

- Sentences should use vocabulary words according to their definitions in the section and in the Glossary.
- It is the goal of the legal system to treat everyone the same.
- Unlike either state’s court, the Supreme Court can guarantee a fair trial when, for example, two states have a boundary dispute or are fighting over access to a shared resource, such as water.

- The Constitution provided for the development of a federal court system. Article III established a Supreme Court and also gave Congress the power to establish the lower federal courts.
- Involving federal laws:** kidnapping, tax evasion, counterfeiting; **Foreign governments and treaties:** any dispute between a foreign government and the U.S. government or an American company or citizen; **Admiralty**

- and maritime law:** any crime or accident outside territorial waters; **Involving federal government:** contract disputes between the federal government and a company
- Answers will vary based on state.
 - Answers will vary depending on the state in which each school is located.

Guide to Reading

Big Idea

Under our federal system, the executive, legislative, and judicial branches share the responsibility of governing the nation.

Content Vocabulary

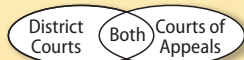
- district court (p. 244)
- original jurisdiction (p. 244)
- appeals court (p. 244)
- appellate jurisdiction (p. 244)
- remand (p. 245)
- opinion (p. 245)
- precedent (p. 245)

Academic Vocabulary

- affect (p. 244)
- submit (p. 246)

Reading Strategy

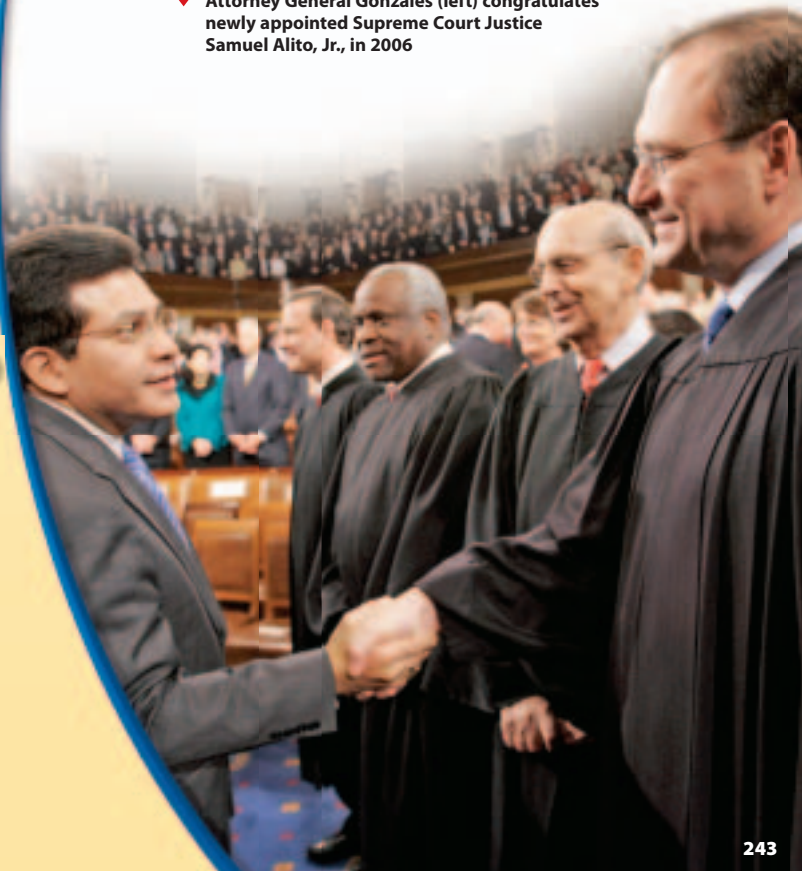
Analyzing As you read, take notes on a Venn diagram like the one below to compare the similarities and differences between two branches of the courts.



How Federal Courts Are Organized

Real World Civics Most people do not grow up thinking they will someday hold important national offices—especially if they do not come from wealthy backgrounds. U.S. Attorney General Alberto R. Gonzales, the first Latino to serve in this office, grew up with seven siblings in a two-bedroom house in Houston. President George W. Bush chose him to be in his cabinet. Now Gonzales represents the United States in legal matters and gives advice and opinions to the president.

▼ Attorney General Gonzales (left) congratulates newly appointed Supreme Court Justice Samuel Alito, Jr., in 2006



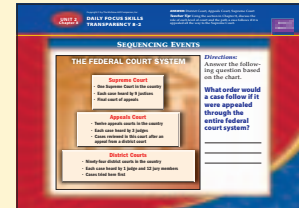
243

Focus



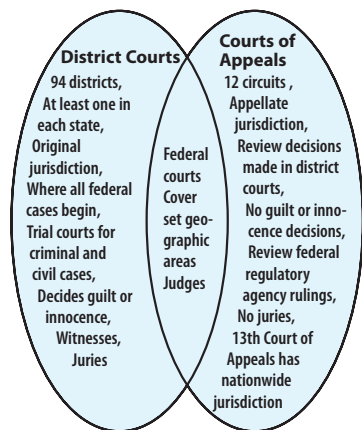
Bellringer

Daily Focus Transparency 8–2



Guide to Reading

Answers to Graphic:



Section Spotlight Video

To learn more about how federal courts are organized, have students watch the Section Spotlight Video for this section.

Resource Manager



Reading Strategies

Teacher Edition

- Outlining, p. 244
- Predicting, p. 246

Additional Resources

- Cont. Vocab., URB p. 69
- Guid. Read., URB p. 88
- RENTG., p. 78



Critical Thinking

Teacher Edition

- Compare/Contrast, p. 245
- Making Inferences, p. 246

Additional Resources

- Quizzes and Tests, p. 89



Differentiated Instruction

Teacher Edition

- English Learner, p. 246

Additional Resources

- School-to-Home Act., URB p. 83
- Teacher's Guide to Differentiated Instruction, p. 10



Writing Support

Teacher Edition

- Persuasive Writing, p. 247

Additional Resources

- Writing Skills Act., URB p. 75



Skill Practice

Teacher Edition

- Categorizing/Analyzing Info., p. 244

Additional Resources

- Chart, Map, and Graph Skills, URB p. 79
- Daily Focus Trans., 8–2

R Reading Strategy

Outlining Have students use the information on this page to complete their graphic organizers. **Ask:** *If you believed that a newly made state law violated your civil rights, where would you start your case: in the district court or the courts of appeals?* (district court) **OL**

S Skill Practice

Categorizing and Analyzing Information **Ask:** *If someone claims that he or she testified in an appeals court case, is that person telling you the truth? How do you know?* (No. There are no juries or witnesses in the courts of appeals.) **OL**

Caption Answer:

Answers will vary. Some students may think that media coverage ensures fair proceedings because everyone will be able to monitor what happens at the trial. Others may think that the media could create an atmosphere of bias.

Hands-On Chapter Project Step 2

A Day in Court

Step 2: Preparing the Case Groups of students continue their work that they began in Section 1 to prepare for the mock trials.

Directions Tell the groups that they must research their local district or appellate courts. Refer them to the Web site,

The Lower Federal Courts

Main Idea There are three types of federal courts: district courts, courts of appeals, and the Supreme Court.

Civics & You What makes the U.S. court system effective? Read to learn how the federal court system is organized.

At the top of the federal court system is the Supreme Court. Below the Supreme Court are two lower courts—the district courts and the appeals courts.

Media Coverage The media often film trials as they happen. Federal court buildings are located in each state and trials must be held in the state where the crime was committed. **Analyzing** *In what way can extensive media coverage help ensure a fair trial?*



U.S. District Courts

District courts are the federal courts in which trials are held and lawsuits are begun. There are 94 district courts in all. Every state has at least one district court, and some states have more. All federal cases must begin in a district court, because district courts have **original jurisdiction**, the authority to hear cases for the first time. District courts are responsible for determining the facts of a case; they are the trial courts for both criminal and civil federal cases. Thus, in a criminal case, a district court will decide if a person is guilty or innocent based on the evidence presented. District courts are the only federal courts in which witnesses testify and juries hear cases and reach verdicts.

U.S. Courts of Appeals

Above the district courts in the federal court system are the United States courts of appeals. These courts are also referred to as federal appeals courts, circuit courts of appeals, or appellate courts. The job of the **appeals courts** is to review decisions made in lower district courts. This is referred to as **appellate jurisdiction**, or the authority of a court to hear a case appealed from a lower court.

Lawyers usually appeal when they feel that the district court judge in their case followed the wrong procedure or did not apply the law. Some appeals may be based on new evidence that could **affect**, or impact, the verdict. Appeals courts may also review federal regulatory agency rulings if those involved believe the agency acted unfairly.

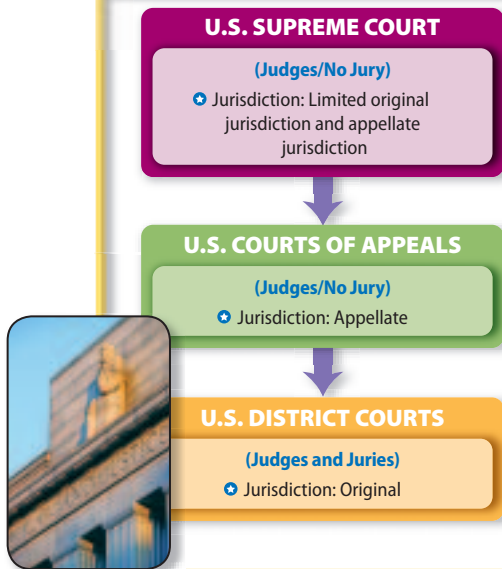
Organization Today, each of the 12 United States courts of appeals has jurisdiction over a circuit, or particular geographic area. In addition, a thirteenth appeals court, the Court of Appeals for the Federal Circuit, has nationwide jurisdiction to hear special cases, such as those involving patent law or international trade. This court's headquarters is in Washington, D.C., but it can hear cases in other parts of the country.

<http://www.uscourts.gov/courtlinks/>. They can use their zip codes to locate the nearest court. Each group should use the Web site as an online resource to help them prepare for their day in court. Have students identify the chief judge and the clerk of courts. **Ask:** *What other information can you get from this government*

Web site that might help you prepare your case? (There are instructions to the jury and forms for filing both civil and criminal cases, local and federal rules are explained, appellate and district courts are distinguished, and so on.) **OL**

(Project continued in Section 3)

United States Court System



Analyzing Charts

- Explaining** Who provides the decision in the courts of appeals?
- Analyzing** What is the difference between appellate and original jurisdiction?

Making a Decision

Appeals courts do not hold trials. Instead, these courts may decide an appeal in one of three ways: by upholding the original decision, by reversing that decision, or by **remanding** the case, that is, by sending the case back to the lower court to be tried again. A panel of three or more judges reviews the record of the case being appealed and listens to arguments. The judges then meet and make a decision by majority vote.

The judges do not decide the guilt or innocence of a defendant in a criminal case or which side should win in a civil lawsuit. They rule on only whether the defendant's rights have been protected and on whether he or

she received a fair trial. Unless appealed to the Supreme Court, decisions of the courts of appeals are final.

Announcing the Decision

When an appeals court makes a decision, one judge writes an opinion for the court. The **opinion** offers a detailed explanation of the legal thinking behind the court's decision. The opinion sets a precedent for all courts and agencies within the district.

A **precedent** gives guidance to other judges by offering a model upon which to base their own decisions on similar cases. A precedent does not have the force of law, but it is a very powerful argument to use in court. Judges and courts follow precedents in nearly all cases.

Early Precedents

Certain judicial principles were established early in the nation's history. Neither any federal court nor the Supreme Court may initiate action. A judge or justice may not seek out an issue and ask both sides to bring it to court. The courts must wait for litigants, or people engaged in a lawsuit, to come before them.

Judicial precedents derive their force from a common law principle. This principle states that the decisions of the highest court in the jurisdiction are binding on all lower courts in the jurisdiction. Thus, all courts in the United States are bound by precedent to follow the decisions of the United States Supreme Court. Furthermore, each panel of judges on the courts of appeals for a circuit is bound to follow the prior appellate decisions of the same circuit. You will read more about this precedent in Section 4.

Reading Check Explaining Why are precedents important to the enforcement of laws?



Student Web Activity Visit glencoe.com and complete the Chapter 8 Web Activity.

C Critical Thinking

Comparing and Contrasting Ask: If you were watching a session of a courts of appeals, what differences might you notice compared to a district court? (There is no jury, there is a panel of three or more judges hearing the case, and there are no witnesses testifying.) **OL**

Analyzing Charts

Answers:

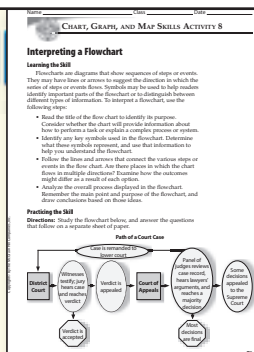
- A panel of three or more judges decides the case.
- Original jurisdiction is the authority to hear cases for the first time. Appellate jurisdiction is the authority to hear a case appealed from the lower district court.

Reading Check Answer: A precedent gives judges a model upon which to base their own decisions.



Objectives and answers to the **Student Web Activity** can be found at glencoe.com under the Web Activity Lesson Plan for this chapter.

Differentiated Instruction



Chart, Graph, and Map Skills Activity 8, URB p. 79-80

Interpreting a Flowchart

- Objective:** To gain an understanding of processes in the federal court system
- Focus:** Students will analyze a sequence of events as displayed on flowcharts.
- Teach:** Discuss how a legal case ends up before the Supreme Court.
- Assess:** Check for students' ability to interpret the flowchart on page 80.
- Close:** Have students present the information in the flowchart as a series of steps.

Differentiated Instruction Strategies

- BL** With a reading partner, compare and contrast the flowcharts on pages 79 and 80. How are rectangles used differently?
- AL** Write an outline for an oral argument about a case to present before the Supreme Court.
- ELL** Define and draw an "octagon." Tell why this symbol was used in the flowchart.

D Differentiated Instruction

English Learners Point out the words “solicit,” “refurbish,” and “distribute.” Help students use context clues to figure out the meaning of each word. **Ask:** *What does Clayton’s Backyard Crew do with the gently used bikes? (They fix them and then hand them out to children.)* **ELL BL**

C Critical Thinking

Making Inferences **Ask:** *How might letting the president select federal judges offset the checks and balances of government? (The courts could become stacked in favor of the executive branch.)* **OL**

R Reading Strategy

Predicting **Ask:** *What is the practice of senatorial courtesy? What might happen to a court nomination if this wasn’t followed? (judges might not be accepted by the Senate)* **OL**

TIME Teens in Action

Answer:

Students may point out that community-based volunteer work keeps us all actively involved in society and we have a responsibility to do things the government cannot do.

TIME Teens in Action

Clayton G. Lillard

Clayton G. Lillard, 17, from San Antonio, Texas, decided to do something good for kids who had a parent in prison. So he started Clayton’s Backyard Crew.



QUESTION: What does your group do?

ANSWER: Clayton’s Backyard Crew is made up of volunteers, usually teenagers. Each year we solicit donations for gently used bicycles and cash donations for new bikes and parts. We refurbish the used bikes and distribute them to children whose parents are in prison.

Q: When do you hand out the bikes?

A: Each year I deliver the bikes on my birthday, December 23. I get to play Santa—it’s amazing!

Q: How did the group start?

A: In 1999, my mom and I saw two bikes in the trash. I thought I’d fix them up and give them to needy children. Then we set a goal of giving out 25 bikes. I contacted the radio stations and they put out the word. The response from the community was overwhelming. We ended up getting 100 bikes the first year.

Q: How many bikes have you given away?

A: About 800 bikes. Parents in prison really miss their children at Christmas, and the children are really sad with their parents gone during the holidays. On one occasion, we delivered bikes to two brothers. We told them the bikes were from their father in prison. One boy jumped up and down with joy. He kept shouting, “I knew he wouldn’t forget me, I just knew he wouldn’t forget me!” It brought tears to everyone’s eyes.

For more info, check out www.claytonsbayardcrew.com.

ACTION FACT: Music is Lillard’s passion—water polo and swimming play big parts in his life as well.

Making a Difference CITIZENSHIP

Why does a community need organizations like Clayton’s Backyard Crew?

Federal Judges

Main Idea Federal judges interpret the laws and protect the rights the Constitution guarantees.

Civics & You What qualifications do you think are important in selecting a person for a position of responsibility? Read on to find out about how federal judges are selected.

The chief decision makers in the judicial branch are the federal judges. There are more than 650 judges who preside over the district courts. Each district court has at least two judges. Some district courts in high-population areas have more judges because there are more cases to hear. Each appeals court has from 6 to 28 judges. The Supreme Court has nine justices.

Selection of Federal Judges

Article II, Section 2, of the Constitution provides that the president, with the advice and consent of the Senate, will appoint all federal judges. The Constitution, however, sets no particular qualifications for federal judges. In general, presidents want to appoint judges who share their ideas about politics and justice. Thus, presidents usually choose people who belong to their political parties.

When naming judges, presidents usually follow a practice called senatorial courtesy. Under this system, a president **submits**, or presents, the name of a candidate to the senators from the candidate’s state before submitting it to the entire Senate for approval. If either or both senators object to the candidate, the president usually withdraws the name and nominates another candidate. The practice of senatorial courtesy usually applies only to the selection of judges to the district courts and other trial courts, not to the selection of judges to courts of appeals or the Supreme Court.

Differentiated Instruction

Leveled Activities

BL Academic Vocabulary Activity 8, URB p. 71

AL Writing Skills Activity 8, URB pp. 75–76

OL Chart, Graph, and Map Skills 8, URB pp. 79–80

ELL Guided Reading Activity 8–2, URB p. 88

Tenure Once appointed, federal judges may have their jobs for life. A judge can be removed from office only through the process of impeachment. The writers of the Constitution gave federal judges this sort of job security because they wanted judges to be able to decide cases free from public or political pressures.

Other Court Officials

Judges do not work alone. They have help from clerks, secretaries, court reporters, probation officers, and other workers.

Magistrates Each district court has magistrate judges. These officials take care of much of a judge's routine work. They issue court orders, such as search and arrest warrants, in federal cases. They hear preliminary evidence in a case to determine whether the case should be brought to trial. They also decide whether people under arrest should be held in jail or released on bail. Magistrates may also hear minor cases.

U.S. Attorneys Each judicial district has a United States attorney and one or more deputies. U.S. attorneys are government lawyers who prosecute people accused of breaking federal laws. They look into complaints of crime, prepare formal charges, and then present evidence in court. It is the U.S. attorney's job to represent the nation in civil cases in which the government is involved. U.S. attorneys are appointed to four-year terms by the president, with consent of the Senate.

U.S. Marshals Each federal judicial district also has a United States marshal. Marshals and their staffs make arrests, collect fines, and take convicted persons to prison. They protect jurors, keep order in federal courts, and serve legal papers, including subpoenas. A subpoena is a court order requiring someone to appear in court.

Reading Check Defining What is senatorial courtesy?

Writing Support

Persuasive Writing Have students write a paragraph stating their position on life tenure for federal judges. **OL**

Reading Check Answer: When the president wants to appoint someone as a federal judge, the senators of the candidate's home state may reject or accept the candidate before the full Senate votes.

Assess

Civics ONLINE

Study Central™ provides summaries, interactive games, and online graphic organizers to help students review content.

Close

Summarizing Have students work in small groups to create a two-minute oral presentation about the organization of the federal courts. **OL**

Section Review

Vocabulary

- Write** sentences using each of the following key terms: *district court*, *original jurisdiction*, *appeals court*, *appellate jurisdiction*, *circuit*, *remand*, *opinion*, *precedent*.

Main Ideas

- Describing** What are the responsibilities of judges in district courts?
- Explaining** Why do federal judges serve for life? Who appoints them to these terms?

Critical Thinking

- Analyzing** A judge who shares a president's views when first appointed may rule differently on cases later. Why?
- BIG Ideas** On a graphic organizer like the one below, identify the people who help federal court judges with their duties.



- Analyzing Visuals** Review the organization of the U.S. courts system on page 245. What type of jurisdiction do U.S. Courts of Appeals have? Explain what this means.

CITIZENSHIP Activity

- Creative Writing** Write a job description for a federal district judge. Include the qualifications you believe federal judges should have.

Civics ONLINE

Study Central™ To review this section, go to glencoe.com.

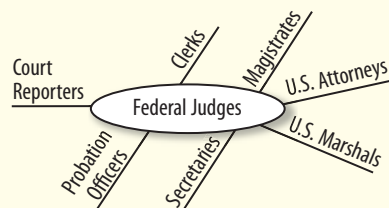
Section 2 Review

Answers

- Sentences should use vocabulary words according to their definitions in the section and in the Glossary.
- Judges in district courts hear the facts of a case in order to decide guilt or innocence.
- Federal judges serve for life because the Constitution provides such job security. The president appoints federal judges with Senate approval.
- Once the president who appointed a judge is no longer in office, that judge is less

inclined to be influenced by the president's agenda. Also, a person's attitudes and beliefs change with time and experience.

5.



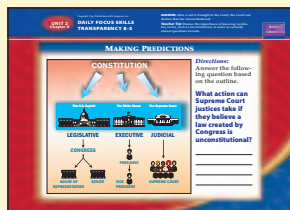
- Courts of Appeals have appellate jurisdiction, meaning they have the authority to hear a case appealed from a lower district court. They have the power to uphold or reverse a lower court's decision; they can also remand a case—send it back to the lower court to be tried again. They do not determine guilt or innocence but whether or not the trial was fair and the ruling just.
- Job descriptions and qualifications will vary. Papers should list any sources that students used.

Focus



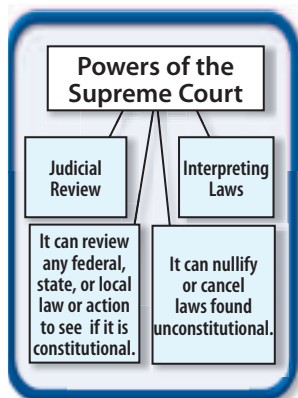
Bellringer

Daily Focus Transparency 8-3



Guide to Reading

Answers to Graphic:



Section Spotlight Video

To learn more about the Supreme Court, have students watch the Section Spotlight Video for this section.

Resource Manager

Guide to Reading

Big Idea

The judicial branch is charged with interpreting the law.

Content Vocabulary

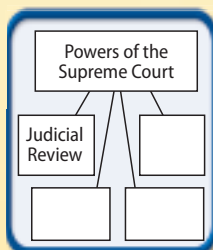
- judicial review (p. 252)
- constitutional (p. 252)

Academic Vocabulary

- philosophy (p. 250)
- conflict (p. 252)

Reading Strategy

Summarizing On a graphic organizer similar to the one below, describe the powers of the Supreme Court and give an example of each.



The Supreme Court

Real World Civics How many people are appointed to a job for life? U.S. Supreme Court justices are. William O. Douglas served on the Court for 36 years, longer than any other justice. John Marshall served longest as chief justice, 34 years. Since justices can serve a lifetime, many different groups want a say in their confirmation. When Justice Sandra Day O'Connor announced she was stepping down in 2005, the White House saw its chance to select a judge who supports President Bush's views. Samuel Alito, Jr., was confirmed and sworn in following a tough confirmation battle in the Senate.

▼ Justices Souter, Thomas, and Ginsburg attending the swearing in of Justice Alito



R Reading Strategies

Teacher Edition

- Identifying, p. 249
- Questioning, p. 250
- Making Connections, p. 251
- Summarizing, p. 252

Additional Resources

- Cont. Vocab., URB p. 70
- Guid. Read., URB p. 89
- RENTG, p. 81

C Critical Thinking

Teacher Edition

- Pred. Conseq., p. 250
- Compare/Contrast, p. 252

Additional Resources

- Cit./Dec.-Making, URB p. 3
- Biographies, URB p. 73
- Crit. Think., URB p. 77
- Quizzes and Tests, p. 90

D Differentiated Instruction

Teacher Edition

- Adv. Learners, p. 249

Additional Resources

- Diff. Instr., URB p. 81
- School-to-Home Act., URB p. 83
- Teacher's Guide to Diff. Instruction, p. 10

W Writing Support

Teacher Edition

- Personal Writing, p. 253

Additional Resources

- Cit./Decision-Making, URB p. 3

S Skill Practice

Teacher Edition

- Creating a Time Line, p. 251

Additional Resources

- Daily Focus Trans., 8-3
- Pol. Cartoons Trans. 8

Jurisdiction and Powers

Main Idea The Supreme Court is composed of nine justices: the chief justice of the United States and eight associate justices.

Civics & You What qualities do you think a judge should have? Read on to find out how the justices of the Supreme Court are selected.

Chief Justice of the Supreme Court John G. Roberts, Jr., summarized his view of the Court's role in the following way:

“What Daniel Webster termed, ‘the miracle of our Constitution’ is not something that happens in every generation. But every generation in its turn must accept the responsibility of supporting and defending the Constitution, and bearing true faith and allegiance to it.”

—Chief Justice John G. Roberts, Jr.

As Justice Roberts noted, all Americans are called upon to support the Constitution. It stands above all other courts. The Supreme Court's main job is to decide whether laws are allowable under the U.S. Constitution.

Jurisdiction

Like the federal government, the power of the Supreme Court is limited. Article III of the U.S. Constitution established the boundaries of federal judicial power.

The Supreme Court has original jurisdiction in only two instances. It can preside over cases that involve diplomats from foreign countries and in disputes between states. In all other instances, the Supreme Court hears cases that have been appealed from lower district courts or federal regulatory agencies.

The Supreme Court does not hear all the cases it receives. It chooses the cases it hears. It has final authority in any case involving the Constitution, acts of Congress, and treaties with other nations. The decisions of the Court are binding on all lower courts. When the Court refuses to hear a case, the decision of the lower court stands.

The Supreme Court Seated left to right: Anthony Kennedy, John Paul Stevens, Chief Justice John G. Roberts, Jr., Antonin Scalia, David Souter. Standing left to right: Stephen Breyer, Clarence Thomas, Ruth Bader Ginsburg, Samuel Alito, Jr. **Describing** Why do you think Congress keeps the number of justices an uneven number?



Teach

Reading Strategy

Identifying Have students create word webs for “philosophy” and “conflict,” listing synonyms for each word. (*Philosophy: beliefs, values, viewpoint, thinking, ideas, way of life. Conflict: war, disagreement, clash, dispute, difference, argument.*) **ELL**

BL

Differentiated Instruction

Advanced Learners Chief Justice Roberts made this comment when being sworn into office. Have students explain the importance of Daniel Webster in American history. **Ask: Who was Daniel Webster and what would he have thought of Chief Justice Roberts' comment?** (*Daniel Webster, 1782–1852, was a leading American statesman, administrator, and diplomat. Webster would have agreed with Roberts. Webster sacrificed his own ideals—and political career—by supporting the Compromise Measure of 1850 because he believed that to not allow enactment of the Fugitive Slave Law would contradict the Constitution.*) **AL**

Caption Answer:

there will always be a tie-breaker on close decisions

Additional Support

Activity: Interdisciplinary Connection

Literature and History Have students find and read the short story “The Devil and Daniel Webster,” by Steven Vincent Benét. It is available either online or through a local library. Originally published by the *Saturday Evening Post* in 1938, it tells the story of how Daniel Webster helps a New Hampshire

man who has sold his soul to the devil get out of the contract. The short story won the 1938 *O. Henry* literary award. In 1939, it was adapted for a folk music opera, and in 1941 the story was adapted for screenplay and released as a film. Students can work in small groups to interpret the political sig-

nificance of the short story as it relates to fundamental freedoms in the United States and our notion of equal justice under the law. **Ask: What does Webster, as defense attorney, demand for his client?** (*the right to trial by a jury of his peers*) **OL**

R Reading Strategy

Questioning Students can prepare themselves to learn new material by asking questions on the topic. One tip is to change a subtitle into a question. **Ask:** **What questions can you ask yourself about 'Organization and Duties'?** (*What is the organization of the Supreme Court? What are the duties of the justices?*) **What question can you ask yourself about 'Selecting the Justices'?** (*How are Supreme Court justices selected?*) **BL ELL**

C Critical Thinking

Predicting Consequences **Ask:** **What would result if, when appointing new justices, the president repeatedly rejected advice from members of the Senate?** (*Students' answers will vary. Certainly a lack of cooperation and compromise on the president's part could make it difficult for the president to get his or her programs approved in the future.*) **OL**

American Biography

Answer:

As the first woman to be appointed to the Supreme Court, Justice O'Connor had to deflect any sexism directed at her. The source of her influence and authority was her intellect.

Differentiated Instruction

Biography Activity 8

Thurgood Marshall (1908–1993)

Thurgood Marshall's first major case was the case for a children of breeding down from horses in the United States's educational and legal system. After Marshall graduated from Lincoln University in 1930, he applied to the University of Maryland to study law. The application was rejected because he was African American. The year later, Marshall—having received legal training at Howard University in Washington, D.C.—successfully applied to the University of Maryland on behalf of another African American candidate rejected solely because of his race.

Challenge/Issue/Voice

The son of a railroad porter and an elementary school teacher, Marshall excelled at the studies. After graduating from Lincoln University, Marshall joined the National Association for the Advancement of Colored People (NAACP) as a staff lawyer. Two years later, he became the head of the NAACP's legal team and was later chief of the NAACP Legal Defense and Educational Fund. In the 1940s and 1950s, he successfully argued 29 of the 32 cases he represented before the Supreme Court, including the landmark 1954 Brown v. Board of Education decision ending school racial segregation in schools. Because of these victories, Marshall became known as one of the foremost lawyers in the United States. During the 1950s, Marshall served as a judge, until June 30, 1961, President John Kennedy nominated Marshall as federal appeals judge. In 1961, President Lyndon Johnson appointed Marshall as U.S. Solicitor General, nominating him for the Supreme Court two years later. The Senate approved

Marshall's confirmation in August 1967, making him the first African American to sit on the United States Supreme Court.

When Marshall joined the Supreme Court, it was led by Chief Justice Earl Warren. The Warren Court actively protected the rights of groups such as minorities and women, who had previously had few protections under the law. Marshall worked with the court, working particularly against racism and other supporting the federal government over the states. In the 1970s, the Court often expressed views contrary to those of Marshall on civil rights cases. During the 1970s, the making of the Supreme Court changed, with Marshall's more liberal views falling into the minority. By the time he retired in 1991, Marshall had become known as "the Court Dissenter," for a career and legacy. Marshall fought racial justice both personally and professionally.

Biography Activity 8, URB p. 73–74

American Biography

Sandra Day O'Connor (1930–)

When a Supreme Court vacancy opened up in 1981, President Ronald Reagan decided to fulfill his campaign promise to name the first woman justice. He chose **Sandra Day O'Connor**, an Arizona appeals court judge.



Unlike most Supreme Court justices, O'Connor also had broad political experience. After earning a law degree in 1952, she found that most law firms would not hire a woman—except as a legal secretary. She went into public service, had three sons, and practiced law privately. Appointed to a state senatorial vacancy in 1969, she successfully ran for the position and

became its first woman majority leader in 1972. O'Connor won the election for superior court judge in 1974 and was later appointed to the appeals court.

Her nomination to the Supreme Court had strong support, but was opposed by some because she had supported the Equal Rights Amendment (ERA) and refused to back an antiabortion amendment. Others, however, praised her legal judgment.

O'Connor's years on the Court marked her as a conservative jurist; however, she often occupied the Court's "middle ground," by casting the deciding vote on many controversial issues.

Making a Difference

CITIZENSHIP

Justice O'Connor once said, "The power I exert on the Court depends on the power of my arguments, not on my gender." **Explain** **What is the meaning of this statement?**

Organization and Duties

The Supreme Court is made of eight associate justices led by a chief justice. Congress sets this number and has the power to change it. The justices are important political decision makers. Their rulings often affect citizens as much as do presidential or congressional decisions.

The main duty of justices is to hear and rule on cases. They choose which cases to hear from among the thousands appealed to the Court each year, then decide the case itself and issue a written explanation for the decision, called the Court's opinion.

Selecting the Justices

The president appoints Supreme Court justices, with the approval of the Senate. Vacancies in the Court open up due to the

resignation or death of a justice. In 2005, for example, President Bush appointed John G. Roberts, Jr., as chief justice, following the death of Chief Justice William Rehnquist. He also selected Samuel Alito, Jr., to replace Sandra Day O'Connor, who resigned.

Presidents are careful to choose nominees who are likely to be approved by the Senate. The president's decision is often influenced by the attorney general and other Justice Department officials, other Supreme Court justices, the American Bar Association, and interest groups, such as labor and civil rights groups.

Senators typically give the president advice in appointing new justices, which he is free to accept or ignore. The Senate also has rejected nominees based on doubts about the qualifications or the legal **philosophy** (system of beliefs) of the persons nominated.

Thurgood Marshall

- Objective:** To identify legal cases that created Marshall's legacy
- Focus:** Have students identify the importance of Marshall to the civil rights movement.
- Teach:** Discuss how Marshall's personal life affected his professional career.
- Assess:** List the important events and accomplishments in Marshall's life.
- Close:** Write a paragraph summarizing Marshall's importance in the desegregation movement.

Differentiated Instruction Strategies

- BL** **Ask:** Why do you think Marshall fought for racial justice?
- AL** **Ask:** As a Supreme Court justice, why would Marshall have supported the federal government over the states?
- ELL** **Ask:** What is racial segregation? Give an example.

Background of the Justices

Supreme Court justices are always lawyers, although there is no legal requirement that they must be lawyers. They have had careers practicing or teaching law, serving as judges in lower courts, or holding other public positions prior to appointment.

Political support and agreement with the president's ideas are important factors in who gets appointed. Of course, once appointed, a justice may make rulings with which the president does not agree.

The first African American justice, Thurgood Marshall, joined the Court in 1967. The first female justice, Sandra Day O'Connor, was appointed in 1981.

Reading Check **Identifying** Who makes up the Supreme Court?

Powers of the Court

Main Idea The Supreme Court is the final court to which anyone can appeal a legal decision.

Civics & You How do you feel when someone makes a decision that you feel is against the law? Read to find out about the Supreme Court and the constitutionality of the law.

The Supreme Court enjoys a great deal of power and prestige. The legislative and executive branches of government must follow the Supreme Court's rulings. The fact that the Supreme Court is removed from politics and from the influences of special-interest groups makes it more likely that the parties involved in a case will get a fair hearing.

Special Rulings The Supreme Court ruled on whether these residents of Washington, D.C., burning their federal tax statements could vote in federal elections. **Identifying Which branches of the federal government must follow Supreme Court rulings?**



251

A Day in Court

Step 3: Path to the Supreme Court Groups continue their work preparing cases that they began in Section 1.

Directions Discuss how this case will reach the Supreme Court. **Ask: Where does a case first get heard?** (All cases are first heard in a U.S. District Court.) **OL**

Mitsuye Endo was forced to leave her job and her home, was detained in a prison camp for

months, and was never charged for violating any law. Write "habeas corpus" and explain that it comes from Latin: "You (should) have the body." Discuss what it meant for Endo to petition for a writ of habeas corpus. (It gave her the right to a court hearing.) **Ask: Why is the right to petition for a writ of habeas corpus often referred to as the "center-piece of our liberty"?** (Students should recognize the right to be released from unlawful imprisonment.) **OL**

(Project continued in Section 4)

S Skill Practice

Creating a Time Line Have students select one of the current Supreme Court justices and create a time line of his or her professional career. **OL**

R Reading Strategy

Making Connections **Ask: What societal and political pressures were at play when Thurgood Marshall and Sandra Day O'Connor were appointed to the Supreme Court?** (The movement for civil rights in the late fifties and early sixties resulted in the appointment of Marshall. The women's movement of the seventies led to the appointment of O'Connor.) **OL**

Reading Check **Answer:** eight associate justices led by a Chief Justice

Caption Answer:

The legislative and executive branches must follow the Supreme Court's rulings.

Hands-On Chapter Project Step 3



R Reading Strategy

Summarizing Have students work in pairs to rewrite the quotation in their own words. Remind them to use synonyms for the words “emphatically,” “province,” “expound,” and “interpret.”

Ask: When Chief Justice Marshall says the “judicial department,” what is he really talking about? (the Supreme Court) **BL ELL**

C Critical Thinking

Comparing and Contrasting **Ask:** Both the Judiciary Act of 1798 and the case of *Marbury v. Madison* gave the Supreme Court the power of judicial review. How were they different? (The Judiciary Act granted the Supreme Court the power of judicial review for acts of state governments only, whereas *Marbury v. Madison* gave the Supreme Court power of judicial review over any laws that Congress enacted.) **OL**

Judicial Review

One of the most important powers of the Supreme Court is the power of judicial review. **Judicial review** means that the Court can review any federal, state, or local law or action to see if it is **constitutional**, or allowed by the Constitution. If the Court decides a law is unconstitutional, it has the power to nullify, or cancel, that law or action. Chief Justice John Marshall described the great power of judicial review when he said,

“It is emphatically the province and duty of the judicial department to say what the law is. Those who apply the rule to particular cases, must of necessity expound and interpret that rule. If two laws conflict with each other, the courts must decide on the operation of each.”

—Chief Justice John Marshall

Marbury v. Madison The Constitution does not give the Supreme Court the power of judicial review. A provision of the Judiciary Act of 1789 gave the Court the power of judicial review for acts of state governments. In 1803 the case of *Marbury v. Madison* established that the Supreme Court had the power to decide whether laws passed by Congress were constitutional.

See Landmark Supreme Court Case Studies on page 260 for information about this case.

John Marshall’s opinion set forth three principles of judicial review:

- The Constitution is the supreme law of the land.
- If there is a **conflict**, or a disagreement, between the Constitution and any other law, the Constitution rules.
- The judicial branch has a duty to uphold the Constitution. Thus, it must be able to determine when a law conflicts with the Constitution and to nullify unconstitutional laws.

TIME Political Cartoons

Answers:

1. The setting is the Supreme Court; depicted is a panel of three judges.
2. The Supreme Court is the ultimate authority in determining the constitutionality of a law.
3. The law is nullified.

TIME Political Cartoons



Joseph Mirachi/The Cartoon Bank

In this drawing, cartoonist Joseph Mirachi is making a statement about the U.S. Supreme Court.

1. What is the setting for this cartoon, and what figures are depicted?
2. What is the Supreme Court’s role in determining the constitutionality of a law?
3. What happens if the Supreme Court rules that a law is unconstitutional?

Differentiated Instruction

Leveled Activities

BL Academic Vocabulary Activity 8, URB p. 72

OL Biography Activity 8, URB pp. 73–74

OL Critical Thinking Skills Activity 8, URB pp. 77–78

ELL Differentiated Instruction, URB pp. 81–82

The power of judicial review is an important check on the legislative and executive branches of government. It prevents them from straying too far from the Constitution when they make and carry out laws.

Limits on the Supreme Court

Under the system of checks and balances, there are limits on the power of the federal courts, including the Supreme Court. The Court depends on the executive branch as well as state and local officials, such as governors or police officers, to enforce its decisions.

The executive branch usually follows Court rulings, but there have been exceptions. President Andrew Jackson refused to obey a Court ruling in the case of *Worcester v. Georgia*, in which Chief Justice John Marshall ordered the state of Georgia to stop violating federal land treaties with the Cherokee Nation in 1832. Because most citizens agreed with President Jackson, there was no public pressure to force him to uphold the Court's decision.

Congress can get around a Court ruling by passing a new law or changing a law ruled unconstitutional by the Court. Congress and state legislatures can also try to undo Court rulings by adopting a new amendment to the Constitution.

Another limit is the fact that the Court can only hear and make rulings on the cases that come to it. All cases submitted to the Court must be actual legal disputes. A person cannot simply ask the Court to decide whether a law is constitutional. The Court will not rule on a law or action that has not been challenged on appeal. The Court also accepts only cases that involve a federal question.

Traditionally, the Court has refused to deal with political questions because it believes that these are issues the executive or legislative branch of the government should resolve. However, in the 2000 presidential election, the Supreme Court for the first time heard two cases involving the recounting of votes in the state of Florida.

Reading Check Explaining How does the Supreme Court receive the cases it considers?

Writing Support

Personal Writing Have students write one paragraph expressing their thoughts about the power of judicial review. **OL**

Reading Check Answer: It must be a case that was challenged on appeal or that involves a federal question.

Assess



Study Central™ provides summaries, interactive games, and online graphic organizers to help students review content.

Close

Analyzing Information Tell students that in *Worcester v. Georgia*, the Supreme Court ruled that the state of Georgia did not have jurisdiction over the Cherokees and thus had no right to force them off their lands. President Jackson refused to enforce the ruling, leading to the eviction of the Cherokee nation. **Ask:** Does our president today have the right to refuse to follow a Supreme Court ruling? Why or why not? (Yes; the Supreme Court has no way to enforce its rulings.) **OL**

Section Review 3

Vocabulary

- Write** a true statement and a false statement for the terms: *judicial review*, *constitutional*. Beside each false statement explain why it is false.

Main Ideas

- Describe** the selection process for Supreme Court justices.
- Analyzing** What is the significance of the case of *Marbury v. Madison* and how it relates to Congress?

Critical Thinking

- Interpreting** Former Chief Justice Charles Evans Hughes once said, "The Constitution is what the judges say it is." Explain the meaning of this statement.
- BIG Ideas** On a graphic organizer like the one below, list the kinds of laws that can be reviewed in judicial review and what they are reviewed for.



CITIZENSHIP Activity

- Expository Writing** Select one Supreme Court Justice, either past or current. Research more about and write a report on the justice.



Study Central™ To review this section, go to glencoe.com.

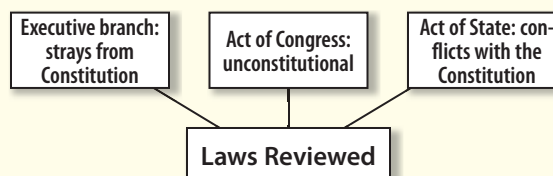
Section 3 Review

Answers

- Sentences should use vocabulary words according to their definitions in the section and in the Glossary.
- In order to become a Supreme Court justice one must be appointed by the president and confirmed by the Senate.
- Marbury v. Madison* gives the Supreme Court judicial review over Congress and the laws it enacts.
- Answers should refer to the authority of the Supreme Court when it comes to interpreting

ing the Constitution and determining the constitutionality of any law whether enacted by a state or by Congress.

5.



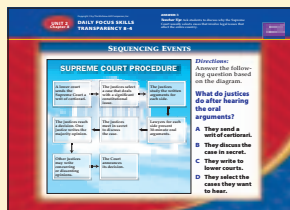
- Students' choice of justices will vary. They should cite all research sources and reference material at the end of their report.

Focus



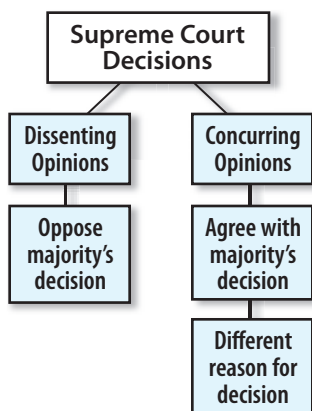
Bellringer

Daily Focus Transparency 8–4



Guide to Reading

Answers to Graphic:



Section Spotlight Video

To learn more about the Supreme Court at work, have students watch the Section Spotlight Video for this section.

Resource Manager

Guide to Reading

Big Idea

The judicial branch is charged with interpreting the law.

Content Vocabulary

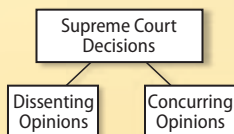
- docket (p. 255)
- brief (p. 256)
- majority opinion (p. 256)
- unanimous opinion (p. 256)
- concurring opinion (p. 256)
- dissenting opinion (p. 256)
- stare decisis (p. 257)

Academic Vocabulary

- communicate (p. 256)
- attitude (p. 257)

Reading Strategy

Contrasting As you read, use a graphic organizer similar to the one below to take notes on the differences between dissenting opinions and concurring opinions.



The Supreme Court at Work

Real World Civics At times, the Supreme Court has changed its mind due to changing social conditions. In the 1890s, the Supreme Court ruled that segregation in America was legal. But in the 1950s, nine African American students won a lower court case to desegregate Central High School in Little Rock, Arkansas. In 1958, Thurgood Marshall, a lawyer for the National Association for the Advancement of Colored People (NAACP), helped convince the Supreme Court that Little Rock had to proceed with integration.

▼ Thurgood Marshall with Little Rock students on the steps of the Supreme Court building in Washington, D.C., in 1958



R Reading Strategies

Teacher Edition

- Taking Notes, p. 255
- Using Context Clues, p. 255
- Act. Prior Know., p. 256
- Making Connections, p. 257

Additional Resources

- Cont. Vocab., URB p. 70
- Guid. Read., URB p. 90
- Foldables, p. 65

C Critical Thinking

Teacher Edition

- Ident. Cent. Issues, p. 256
- Analyzing Info., p. 257
- Det. Cause/Effect, p. 258

Additional Resources

- Crit. Think., URB p. 77
- Quizzes and Tests, p. 91

D Differentiated Instruction

Teacher Edition

- Visual/Spatial, p. 257
- Additional Resources**
- Speak/Listen Skills Act., URB p. 9
 - School-to-Home Act., URB p. 84
 - Reteach. Act., URB p. 85

W Writing Support

Teacher Edition

- Narrative Writing, p. 259

Additional Resources

- Cit./Dec.-Making, URB p. 3

S Skill Practice

Teacher Edition

- Reading a Graph, p. 255

Additional Resources

- Chart, Map, and Graph Skills, URB p. 79
- Daily Focus Trans., 8–4

Court Procedures

Main Idea The Supreme Court is not required to hear all cases presented before it and carefully chooses the cases it will consider.

Civics & You In a dispute, why might it be helpful to have an impartial third party decide who is right and who is wrong? Read to find out the process the Supreme Court uses to make an unbiased decision.

The Supreme Court meets for about nine months each year. Each term begins the first Monday in October and runs as long as the business before the Court requires. A term is named after the year in which it begins. The 2005 term, for example, began in October 2005 and ended in July 2006. Special sessions may be called to deal with urgent matters that cannot wait until the next term. Between terms the justices study new cases and catch up on other Court work.

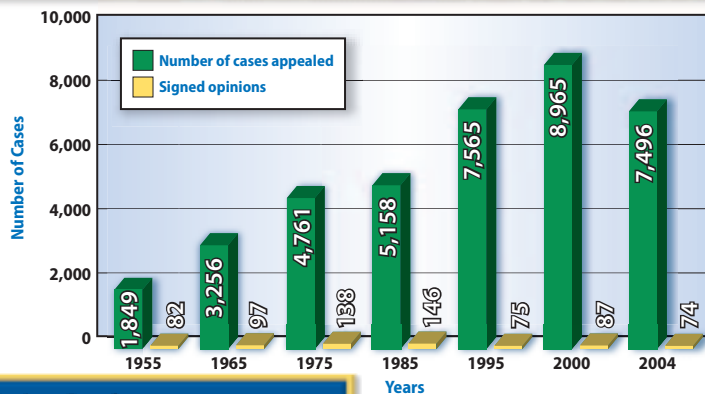
How Cases Reach the Court

An important task of Supreme Court justices is to decide whether to hear a case. The justices review a list of possible cases and consider their merits. The Court will accept a case if four of the nine justices agree to do so. Accepted cases go on the Court **docket**, or calendar.

Caseload The number of cases handled in a given period is called the caseload. Thousands of cases are filed with the Supreme Court each year. Nearly 7,500 cases were appealed to the Supreme Court in 2004. The Court may decide several hundred cases, but, for example, it gave full hearings and written opinions in only 74 cases in 2004.

In the opinions that accompany this small number of cases, the Court sets out general principles that apply to the nation as well as to the specific parties in the case. It is mainly through these cases that the Court interprets the law and shapes public policy.

Supreme Court Caseload



Source: www.supremecourtus.gov

Analyzing Graphs

- Identifying** In which year were the most cases appealed?
- Computing** How many more cases were appealed in 2004 than in 1985?

R₁ Reading Strategy

Taking Notes To help students understand court procedures, have them use the heads and subheads on pages 255–256 to outline the text. Remind them to leave space under each head for taking notes. They can develop their outline as they read. **OL**

R₂ Reading Strategy

Using Context Clues Ask: What is a synonym for “docket”? (calendar) **BL**
ELL

S Skill Practice

Reading a Graph Ask: What is the approximate percentage of signed cases compared to the number of cases appealed in 2004? In 1995? In 1955? (1%, 1%, 10%) What is the general trend in the number of cases appealed since 1955? (The number of cases appealed has increased.) **OL**

Analyzing Graphs

Answers:

- the 2000 term
- 2,338 more cases

Differentiated Instruction

Chapter 8 255

Forming Hypotheses

Objective: To form a hypothesis predicting a Supreme Court ruling

Focus: Have students read about a case involving eminent domain.

Teach: Review paragraph 4 about Michigan’s Supreme Court ruling in 1984.

Assess: Have students discuss what constitutes a “public benefit.” List examples.

Close: Chart the pros and cons of eminent domain.

Differentiated Instruction Strategies

BL Tell why the government should be allowed the power of eminent domain.

AL Explain how *Poletown v. the City of Detroit* influenced the ruling in *Kelo v. New London*.

ELL Tell what “confiscate” means and use it to explain the power of eminent domain.

CRITICAL THINKING SKILLS ACTIVITY 8

Forming Hypotheses

Learning the Skill

A hypothesis is an informed, thoughtful guess about how something works or why something happens. When you make a hypothesis, you attempt to correctly explain or predict events.

Use the following guidelines to help you form a hypothesis:

- Identify the relevant, available facts.
- Think about which facts might guide you in forming an accurate prediction or explanation.
- Consider several possible explanations for the facts.
- Test hypotheses in the explanation that best accounts for all the facts.

Practicing the Skill

Directions: Read the excerpt from *Public and the News*. Then answer the questions that follow in the space provided.

Eminent Domain Taken Center Stage in Redevelopment Debate

(1) April 1, 2005—The U.S. Supreme Court on February 23 heard oral arguments in a case that could have far-reaching implications for cities and for private property rights.

(2) In *Kelo*, the justices heard oral arguments in a case involving the city of New London, Connecticut’s authority to use eminent domain to take private property for the city’s economic development.

(3) The city argued that the city’s economic development plan was a “public use” and that the city’s taking of private property was a “public use.”

(4) The city argued that the city’s economic development plan was a “public use” and that the city’s taking of private property was a “public use.”

(5) The city argued that the city’s economic development plan was a “public use” and that the city’s taking of private property was a “public use.”

(6) The city argued that the city’s economic development plan was a “public use” and that the city’s taking of private property was a “public use.”

(7) The city argued that the city’s economic development plan was a “public use” and that the city’s taking of private property was a “public use.”

(8) The city argued that the city’s economic development plan was a “public use” and that the city’s taking of private property was a “public use.”

(9) The city argued that the city’s economic development plan was a “public use” and that the city’s taking of private property was a “public use.”

(10) The city argued that the city’s economic development plan was a “public use” and that the city’s taking of private property was a “public use.”

Critical Thinking Skills Activity 8, URB p. 77–78

R Reading Strategy

Activating Prior Knowledge Ask: What sorts of cases have you heard of being brought before the Supreme Court? (Responses will vary. Some students may cite cases involving physician-assisted suicide law, Oregon; the death penalty and sentencing, Texas; and abortion rights, Nebraska.) **OL**

C Critical Thinking

Identifying Central Issues Tell students that in 2005, the Bush administration tried to use the Controlled Substances Act (CSA) to overturn Oregon's Death with Dignity Act (DWDA), which had legalized physician-assisted suicide in a 1994 state referendum. The Supreme Court did not find the DWDA in violation of the CSA. **Ask:** Why did the U.S. Attorney General focus on the Controlled Substance Act instead of arguing for the right to life? (The right to life is a controversial issue. By focusing on Oregon's DWDA being in violation of federal law, the Court was obliged to hear the case.) **AL**



Reading Check Answer: The Court's written opinions set a precedent for the lower courts to follow and also communicate the Court's views to Congress, the president, and to the public.

Differentiated Instruction

Selecting Cases

Supreme Court justices decide to hear only certain kinds of cases. They usually decide to hear a case if it involves a significant constitutional question. In most instances, such questions center around the Bill of Rights and other amendments and deal with issues such as freedom of speech, equal protection of the laws, and fair trial.

R The justices always choose cases that involve a real dispute between two adversaries, or opposing sides. In other words, the cases must deal with real people and events.

Supreme Court justices also tend to select cases that involve legal, rather than political issues, as well as those that affect the entire country rather than isolated individuals or groups.

You have already learned that nearly all cases come to the Supreme Court on appeal from a lower court. Most of the appeals reach the Court by a request for a writ of certiorari (Latin for "to make more certain").

Writ of Certiorari A writ of certiorari directs a lower court to send its records on a case to the Supreme Court for review. This happens if one of the parties involved in a case claims that the lower court made an error in the case. Sometimes a lower court will ask the Supreme Court to make a ruling in a case because it is not sure how to apply the law to the case.

Steps in Decision Making

Every case the Supreme Court accepts goes through a series of steps: written arguments, oral arguments, conference, opinion writing, and announcement.

Written Arguments Once the Court takes a case, the lawyers for each side prepare a brief. A **brief** is a written document that explains one side's position on the case. The justices then study the briefs.

Oral Arguments Next, lawyers for each side present oral arguments. Each side gets only 30 minutes to summarize its case. The justices often ask the lawyers very tough questions about the case.

Conference On Fridays the justices get together to make their first decisions about the cases they have been studying. These meetings take place in secret; no audience is present and no meeting minutes are kept. The chief justice presides over the discussion of the case. A majority—at least five votes when all nine justices are participating—decides a case. At least six justices must be present for a decision.

Opinion Writing Once the Court has reached a decision on a case, one justice gets the job of writing the majority opinion. A **majority opinion** presents the views of the majority of the justices on a case. The opinion states the facts of the case, announces the ruling, and explains the Court's reasoning in reaching the decision. Written opinions are important. They set a precedent for lower courts to follow, and they also **communicate**, or announce, the Court's view to Congress, to the president, to interest groups, and to the public. The justice who agrees with the majority decision but has different reasons writes a **concurring opinion**. Justices who oppose the majority decision issue a **dissenting opinion**. The Court may also issue a **unanimous opinion** in which all the justices vote the same way.

Announcement When the opinion writing is completed, the Court announces its decision. The Supreme Court and other courts around the country use the written opinions to guide their decisions regarding new cases.



Explaining Why are the Court's written opinions important?

Leveled Activities

BL Content Vocabulary Activity 8, URB p. 70

AL Cit./Decision-Making Activity 2, URB pp. 3–4

OL Speaking and Listening Activity 2, URB pp. 9–12

ELL Guided Reading Activity 8–4, URB p. 90

Reasons for Decisions

Main Idea The law, social conditions, and legal and personal views are among the factors that influence the decisions of the Supreme Court.

Civics & You The Supreme Court hears cases appealed to it by everyone from prisoners in jail to presidents. What influences the justices' decisions?

Many factors, such as precedents, the social atmosphere in the country, and the justices' own legal and personal views, influence justices when they decide a case that comes before the Court.

The Law Law is the foundation for deciding cases that come before the Supreme Court. A guiding principle for all judges is called **stare decisis**, a Latin term that means "let the decision stand." By following precedent, courts make the law predictable.

At the same time, the law needs to be flexible to adapt to changing times. Social condi-

tions, public ideas and **attitudes**, or feelings, and technology change over the years. As the highest court in the land, the Supreme Court is in a position to overrule outdated precedents.

The Supreme Court sometimes reviews a case to clarify the meaning of the Constitution for an important issue. This happened with disputes over manually recounting the Florida ballots in the presidential election of 2000. The dispute led the Court to address a question involving the Fourteenth Amendment: did all recounted votes have to be treated equally? In *Bush v. Gore* (2000), the Court ordered the recount to stop. This decision ensured that George W. Bush would receive Florida's electoral votes and win the election.

Changing Social Conditions Although the Supreme Court is somewhat protected from public and political pressures, the social situation can also influence Court decisions. When social conditions change, the Court may make new interpretations of the law.

Constitutional Question Demonstrators gathered outside the Supreme Court building in Washington, D.C., while justices considered the recount question of the 2000 presidential election.
Analyzing Why did the Supreme Court rule on the issue rather than a state court?



Chapter 8 257

D Differentiated Instruction

Visual/Spatial Have students work in pairs to create a word web showing factors that can influence a justice. They can write "influencing factors" in the center oval. Have them discuss why or how each factor might influence a justice. **OL**

R Reading Strategy

Making Connections **Ask:** Can either party in a legal proceeding appeal a case? (yes) Inform students that what ended up as *Bush v. Gore* in the Supreme Court started out as *Gore and Palm Beach County v. Harris*, Florida's Secretary of State. **BL**

C Critical Thinking

Analyzing Information **Ask:** What if Gore had already been president and were running for reelection in 2000? Could he have refused to accept the Supreme Court's decision? (Students may refer to President Andrew Jackson's refusal to obey and enforce the Supreme Court's ruling on *Georgia v. Worcester*. The Supreme Court has no enforcement or policing powers.) **OL**

Caption Answer:

The case involved a national election.

Additional Support

Teacher Tip

Acting out an activity often helps students understand the importance of it. Have students act out the Friday meetings of the Supreme Court justices.

Activity: Collaborative Learning

Discussing Remind students that the justices are individuals, each with his or her own set of beliefs and principles. **Ask:** How might your personal beliefs influence your interpretation of the Constitution? (Some may express the idea that there is a potential dilemma for any justice making a decision about a law that he or she morally opposes. A

justice may also be confronted with a case in which there is no clear violation of the Constitution.) Form groups of odd-numbered students representing the justices. Have each group find a current case on the Supreme Court docket to decide. Students can use Internet sources as well as library sources. **OL**

C Critical Thinking

Determining Cause and Effect **Ask:** Why do some historians believe that what happened during WWII had such a significant impact for social change that both the civil rights movement and the women's movement started because of it? (During WWII, African Americans serving in the armed forces tolerated segregation and second-class treatment. Upon their return, they found themselves denied access to decent housing and jobs being offered to white veterans. During the war, many women had to assume the roles and jobs of men. When the war ended, most of the women were forced to give up their jobs to men, and many faced societal pressure to marry. As a result, both groups yearned for fuller participation in and respect from society.) **AL**

Analyzing Charts

Answers:

1. *Brown v. Board of Education*, 1954, overturned *Plessy v. Ferguson*, 1896.
2. These decisions reflect a new interpretation of the Constitution due to changing social conditions and, as such, either set long-reaching precedents or overturned previous rulings.

Hands-On Chapter Project Step 4

A Day in Court

Step 4: A Court Procedures Groups continue their work preparing the cases that they began in Section 1.

Directions Discuss court procedures for each group to present its case. Explain that one must apply to the Supreme Court for a writ of certiorari. If at least three justices

Landmark Decisions of the Supreme Court

FEDERAL POWER

- *Marbury v. Madison* (1803) established the Supreme Court's power of judicial review
- *McCulloch v. Maryland* (1819) ruled that in a conflict between national and state power, the national government is supreme
- *Gibbons v. Ogden* (1824) established that Congress has sole authority to regulate interstate commerce

CIVIL LIBERTIES

- *Brown v. Board of Education* (1954) overturned *Plessy v. Ferguson* (1896), which said African Americans could be provided with "separate but equal" public facilities; began school integration
- *Reed v. Reed* (1971) held that a state law that discriminated against women was unconstitutional
- *Roe v. Wade* (1973) legalized a woman's right to an abortion under certain circumstances
- *Bush v. Gore* (2000) ruled that Florida recount of presidential votes violated Fourteenth Amendment; recount stopped and Bush became president

FIRST AMENDMENT RIGHTS

- *Brandenburg v. Ohio* (1969) expanded the scope of political speech by protecting all political speech unless it is linked to immediate lawless behavior
- *Near v. Minnesota* (1931) ruled against censorship of information, defining "prior restraint" of written material as unconstitutional
- *DeJonge v. Oregon* (1937) reinforced peaceable assembly and association protection of the First Amendment
- *Engel v. Vitale* (1962) held that a public school district's practice of starting the day with prayer violates the establishment clause
- *United States v. Eichman* (1990) struck down Federal Flag Protection Act; held that flag burning is expressive speech

RIGHTS OF THE ACCUSED

- *Gideon v. Wainwright* (1963) declared that a person accused of a major crime had the right to legal counsel during a trial
- *Miranda v. Arizona* (1966) ruled that at the time of arrest suspects cannot be questioned until informed of their rights

Analyzing Charts

1. **Analyzing** What earlier decision did *Brown v. Board of Education* overturn?
2. **Concluding** Why do you think these decisions are called "landmark" decisions?

In the 1890s, many restaurants, schools, and trains were separate for whites or for African Americans. In Louisiana, Homer Plessy, an African American, decided to sit in a section of a train marked "For Whites Only." When he refused to move, Plessy was arrested.

Plessy was convicted of violating Louisiana's segregation law. The Supreme Court upheld the Louisiana law as constitutional in *Plessy v. Ferguson*. "Legislation is powerless to erad-

cate racial instincts or to abolish distinctions," the Court concluded. The Court ruled that the equal protection clause of the Fourteenth Amendment permitted "separate but equal" facilities for whites and for African Americans. The "separate but equal" doctrine was used to justify segregation in many areas of American life for the next 50 years.

agree that the case merits review, then the Supreme Court will direct the lower court to send the records. Refer students to the government Web site for further research. <http://www.uscourts.gov/outreach/topics/hamdan/procedures.html>.

Ask: What has to happen in order for Mitsuye Endo's case to be reviewed by the Supreme Court? (Her lawyers must first peti-

tion the Supreme Court to review her case. Then, if all goes well, the Supreme Court presents a writ of certiorari to the lower court.) How many justices must vote to hear and rule on a case? (Four out of nine justices must vote to hear a case.) **OL**

(Project continued on the Visual Summary page)

Reversing Plessy However, by the 1950s, society's views on racial segregation were beginning to change. World War II made it harder to support segregation openly because many African Americans had fought and died for American ideals. In addition, civil rights groups were demanding an end to racial discrimination. In 1954, in the case of *Brown v. Board of Education of Topeka, Kansas*, the Court overturned the precedent of "separate but equal."

On May 17, 1954, Chief Justice Earl Warren read the decision of the unanimous Court:

"We conclude that in the field of public education the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal."

The justices ruled that racially separate schools are unequal simply because they are separate. The Court found that segregation was a violation of the equal protection clause of the Fourteenth Amendment.

Differing Legal Views Justices have varying views of the law and the proper role of the courts in our society. Some justices, for example, believe that the Court should be very active and hear many different kinds of cases. Others believe that the Court should hesitate to use the power of judicial review to promote new ideas or policies. Political checks limit the extent to which courts can exercise judicial review.

Personal Beliefs Finally, justices are human beings. Each sees the world based on his or her own life experiences. Justice Benjamin Cardozo once said,

"We may try to see things as objectively as we please. Nonetheless, we can never see them with any eyes except our own."

—Benjamin Cardozo,
The Nature of the Judicial Process (1921)

Reading Check Summarizing Why do you think the Court relies on the concept of stare decisis?

Writing Support

Narrative Writing Have students write a monologue from the point of view of one of the justices as he or she prepares to deliver a decision at the Supreme Court.

AL

Reading Check Answer: Relying on the concept of stare decisis ensures stability in that the Court will follow legal precedents.

Assess



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Close

Synthesizing Discuss with students how a nation's values are reflected in its laws.

Ask: What factors do you believe most influence the decisions of the Supreme Court? (Student responses will vary and may include legal precedent, the Constitution, public opinion, and so on.) OL

Section 4 Review

Vocabulary

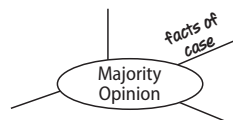
- Define** the following terms and use them in sentences that relate to the Supreme Court: *docket, brief, majority opinion, concurring opinion, dissenting opinion, unanimous opinion, stare decisis.*

Main Ideas

- Describing** What are the steps of a writ of certiorari?
- Explaining** Why does the Supreme Court sometimes reverse its earlier decisions?

Critical Thinking

- Concluding** Do you think it is a good idea that Supreme Court justices are appointed for life? Explain your answer.
- BIG Ideas** On a web diagram like the one below, identify the factors that must be part of a majority decision made by the Supreme Court.



- Analyzing Visuals** Review the chart on page 258. Which ruling guarantees you the right to be informed of your rights if you are arrested?

CITIZENSHIP Activity

- Expository Writing** Read more about *Brown v. Board of Education of Topeka, Kansas*. Summarize the facts in the case.



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Section 4 Review

Answers

- Sentences should use vocabulary words according to their definitions in the section and in the Glossary.
- The Supreme Court selects a case that at least four justices agree to review. If that case came to the Supreme Court on appeal, a writ of certiorari will direct the lower court to send its records to the Supreme Court for review.
- A Supreme Court reverses earlier decisions when there are changes in social conditions or public attitudes.

- Students' viewpoints and explanations will vary.



- Miranda v. Arizona*, 1966, guarantees the right to be informed of your rights if you are arrested.
- Summaries should include the salient facts of the case. Check that students list all references, whether online or in print.



Teach

When the new government of the United States was launched in 1789, it was not clear who had the authority to decide whether or not an act of Congress was unconstitutional because the Constitution did not specifically address this question. In 1803, the Supreme Court ruled in the case of *Marbury v. Madison* that the Court itself had this power.

Introduce the feature by stressing to students that President John Adams tried to keep his Federalist Party in power by appointing Federalists to judgeships. After students have read page 260, call on volunteers to explain the events that led to the Supreme Court ruling in *Marbury v. Madison*. Discuss with students how the ruling helped strengthen the national government at that time.

ANALYZING THE COURT DECISION

Answers:

1. It defined the role of the Supreme Court as the final authority on the meaning of the Constitution.
2. It refused because it ruled that the Constitution did not give the Court the authority to issue writs of mandamus, orders to perform a specified duties, to public officers.

Additional Support



Marbury v. Madison

By the early 1800s, the role of the judicial branch was unclear and its influence small. How did the Supreme Court establish its power of judicial review of Congress?

Background of the Case

As President John Adams' term expired in 1801, Congress passed a bill—the Judiciary Act of 1789—giving the president a chance to appoint 42 new justices of the peace in the District of Columbia. The Senate approved the new appointees, and the Secretary of State, James Madison, delivered the paperwork to all but four of the new judges before the next president—Thomas Jefferson—was sworn in. Because Jefferson wanted to stop any action by the previous officeholder, his first act as president was to stop delivery of those last four appointments. William Marbury was one of those who did not receive his appointment in time. He filed a suit in the Supreme Court under the Judiciary Act against the person who was to deliver the paperwork—James Madison. Marbury claimed he should have received his appointment as declared by Congress.



President Adams spent his last night in office signing commissions.

Marshall wrote:

“It is emphatically the province and duty of the judicial department to say what the law is. Those who apply the rule to particular cases, must of necessity expound and interpret the rule.”

—Chief Justice John Marshall

The Decision

The Supreme Court heard the case in 1803. Chief Justice John Marshall announced the ruling. He stated that Marbury's rights had been violated under the Judiciary Act. The Court further ruled, however, that the act gave the Supreme Court rights it should not have, according to the Constitution. Thus, they ruled that the law itself—the one that gave Marbury his appointment—was unconstitutional. Even though Marbury was ruled the winner, the Court could not force the president to give him the appointment because the law allowing the whole appointment was constitutionally false.

Why It Matters

The Supreme Court claimed its right to declare acts of the legislative and executive branches unconstitutional for the first time in *Marbury v. Madison*. It defined its role as the final authority on what the Constitution means. By doing so, it established a model of judicial independence.

Analyzing the Court Decision

1. **Explaining** Why is *Marbury v. Madison* a landmark case?
2. **Describing** Why did the Supreme Court refuse to allow the appointment of the last judges?

Background

Marbury v. Madison The Constitution never set forth any process to declare an act of Congress unconstitutional. Through this Supreme Court decision, Chief Justice Marshall established that such a declaration, called judicial review, was within the Court's power. The Court also has the power to

review presidential policies. During the Civil War, President Abraham Lincoln suspended some civil rights, especially for those who supported the Confederacy. In the case of *Ex parte Milligan* in 1866, the Court ruled that Lincoln's actions were unconstitutional. The Court said that the Constitution applied to everyone equally, even to the president during a time of war.

Visual Summary

The Judicial Branch

- The Constitution provided for a Supreme Court of the United States as part of a court system that would balance the powers of the other two branches of government.
- The United States judiciary consists of parallel systems of federal and state courts.

Federal Court System

- District Courts are the federal courts where trials are held and lawsuits are begun.
- Courts of Appeals review decisions made in lower district courts.
- Once appointed, federal judges may have their jobs for life.



Chief Justice John Marshall

The Supreme Court

- The Supreme Court is the final authority in the federal court system.
- Most of the Supreme Court cases come from appeals of lower court decisions.
- Judicial review gives the Supreme Court the authority to determine the constitutionality of government laws and actions.

- The Supreme Court is made up of eight associate justices and a chief justice.
- The Supreme Court does not have unlimited powers. The Constitution provides that the legislative and executive branches of the national government have several ways to check the Supreme Court's power.

Decisions of the Court

- The Court's decisions are written in an opinion.
- When all justices unanimously agree on an opinion, it is written for the entire Court in a unanimous opinion.
- When there is not a unanimous opinion, a majority opinion is written.
- One or more dissenting opinions are usually written by those justices who do not agree with the majority.



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Visual Summary 8

Making Comparisons Have students work in small groups to research information about judicial review in another country. Then have each group report a summary of their findings to the class. **Ask:** *What do nations with judicial review have in common? (They are mostly European democracies or countries once under colonial rule of a European nation.)* **AL**

For additional practice on this skill (Making Comparisons), see the **Skills Handbook**.

Organizing Have students refer to "Decisions of the Court" to create a flowchart illustrating Supreme Court procedure. Have them include a bulleted list defining "opinion", "unanimous opinion", "majority opinion", "concurring opinion", and "dissenting opinion". **OL**

Justice Samuel Alito, Jr., being sworn in



261

A Day in Court

Step 5: Keep It Brief Students will finish the process they started in Step 1.

Directions Student lawyers prepare their briefs and present their arguments to the Court. Have the student justices confer, decide the ruling, and write their opinions.

After the opinions have been written, launch a class discussion about the decision. **Ask:** *Was there a strong majority opinion for*

this case? Why or why not? (Student answers will vary based on the decision of the case.) Point out to students that Mitsuye Endo waited confined for more than two years without being charged of any crime. Mitsuye Endo believed in her cause, so she held firm during that time until she won her case. Ask students how they would react to waiting for so long to achieve such a lofty goal. Start a class discussion about what it takes to stand up for what you believe is right. **OL**

Hands-On Chapter Project Step 5: Wrap-Up

Answers and Analyses

Reviewing Vocabulary

1. B Students will have read about concurrent jurisdiction at the very end of Section 1. Answer A, *appellate jurisdiction*, the right to hear appeals, is reserved for the Courts of Appeals and the Supreme Court. Answer C, *original jurisdiction*, refers to the first hearing of a case and could be in a state court or, in certain circumstances, in the Supreme Court. Answer D, *exclusive jurisdiction*, means only federal courts can hear or try a case.

2. D A sentence defining precedents is in Section 2 above the head "Precedents." Answer B is a distractor for students who confuse a decision with an opinion or think that either is synonymous with precedent. A student is clearly not paying attention if he or she selects answer A, *circuit*, the geographic district of the federal appeals court, or answer C, *docket*, the court calendar.

3. A After reading "Judicial Review" in Section 3, students should know the answer. B: Only appellate courts remand a case (Section 2). C: Briefs are written and studied; an argument is what can be rejected (Section 4). Answer D, *hear an appeal*, is another distractor because students know that cases are appealed to the Supreme Court.

4. D The words in the question that are most important are "all" and "same". Students need to understand that answer A, *majority opinion*, does not mean everyone agrees with the decision and that answer B, *a concurring opinion*, can agree with the majority but have a different reason. To choose C, *dissenting opinion*, indicates no grasp of section content.

Reviewing Main Ideas

5. A Section 1, "Equal Treatment," covers the constitutional right to a public trial and a lawyer. Students selecting B, *civil trial*, need to know that there are also criminal trials. Answer C is misleading because some students may have read, "Equal Justice Under Law." As for D, there is no Constitutional right to a Supreme Court hearing.

TEST-TAKING TIP

When answering multiple-choice questions, your first answer is usually correct. Do not change an answer unless you are absolutely certain your first answer is wrong.

Reviewing Vocabulary

Directions: Choose the word(s) that best completes the sentence.

- A situation in which both federal and state courts have authority to hear a case is known as _____.
A appellate jurisdiction
B concurrent jurisdiction
C original jurisdiction
D exclusive jurisdiction
- A past decision on which judges base their decisions in similar cases is a(n) _____.
A circuit
B opinion
C docket
D precedent
- Judicial review gives the Supreme Court the power to _____.
A declare a law unconstitutional
B remand a case to a lower court
C reject a brief
D hear an appeal
- When all the justices vote the same way, the Supreme Court issues a(n) _____.
A majority opinion
B concurring opinion
C dissenting opinion
D unanimous opinion

Reviewing Main Ideas

Directions: Choose the best answer for each question.

Section 1 (pp. 238–242)

- According to the Constitution, what does every accused person have a right to?
A a lawyer
B a civil trial
C the best legal help
D a Supreme Court hearing

- Which of the following cases would be tried in a federal court?
A a state sues another state over water rights
B a Houstonian kills a person in Los Angeles
C an Illinois state worker is accused of forgery
D the U.S. ambassador to Russia breaks a Russian law

Section 2 (pp. 243–247)

- In which federal courts do juries try cases?
A district courts
B appellate courts
C the Supreme Court
D all levels of federal courts
- How might a president limit the powers of the Supreme Court?
A submit an appeal to the Court
B revise a law ruled unconstitutional
C pass an amendment to override a ruling
D refuse to enforce a Supreme Court decision

Section 4 (pp. 254–259)

- What kind of case does the Supreme Court usually decide to hear?
A a case that concerns political issues
B a case that involves the Bill of Rights
C a case that poses hypothetical questions
D a case that affects only a few individuals
- What major factor influenced the Court to overturn the "separate but equal" precedent?
A *stare decisis*
B conservatism
C racial prejudice
D societal changes

GO ON 

6. A The key here is to pay close attention to the paragraphs in the "Federal Court Jurisdiction" on the last two pages of Section 1. Answers B and C are examples of criminal cases that would be tried in the state courts where the crime occurred. Answer D is an example of a case that no U.S. court, state or federal, would try.

7. A After reading "U.S. District Courts" and viewing the chart of the U.S. court system

at the beginning of Section 2, it should be clear that only district courts have juries.

8. C All the answers for this question seem plausible if students do not carefully read "Other Court Officials" at the end of Section 2. For some students, B, *U.S. Marshals*, could be a plausible distractor. It might help to point out that a U.S. marshal's job comes into play after a magistrate judge issues the search warrant.

Critical Thinking

Directions: Base your answers to questions 11 and 12 on the chart below and your knowledge of Chapter 8.

11. Which decision might lead you to infer that the Constitution protects your right to protest war by wearing a black armband?

A *Engle v. Vitale*
 B *DeJonge v. Oregon*
 C *Brandenberg v. Ohio*
 D *United States v. Eichman*

First Amendment Rights

Brandenburg v. Ohio (1969) expanded scope of political speech by protecting all political speech unless it is linked to immediate lawless behavior

Near v. Minnesota (1931) ruled against censorship of information, defining "prior restraint" of written material as unconstitutional

DeJonge v. Oregon (1937) reinforced peaceable assembly and association protection of the First Amendment

Engle v. Vitale (1962) held that a public school district's practice of starting the day with prayer violates the establishment clause

United States v. Eichman (1990) struck down Federal Flag Protection Act; held that flag burning is expressive speech

12. What First Amendment freedom did *Near v. Minnesota* uphold?

A freedom to petition
 B freedom of religion
 C freedom of the press
 D freedom to assemble

Document Based Questions

Directions: Analyze the document and answer the short-answer questions that follow.

The following document is a summation of the Supreme Court's decision in *Reed v. Reed* (1971).

Facts of the Case

The Idaho Probate Code specified that "males must be preferred to females" in naming administrators of estates. After the death of their adopted son, both Sally and Cecil Reed sought to be named the administrator of their son's estate. According to the Probate Code, Cecil was appointed administrator and Sally challenged the law in court.

Question Presented

Did the Idaho Probate Code violate the Equal Protection Clause of the Fourteenth Amendment?

Conclusion

In a unanimous decision, the Court held that the law's dissimilar treatment of men and women was unconstitutional. The Court argued that "[t]o give a mandatory preference to members of either sex over members of the other . . . is to make the very kind of arbitrary legislative choice forbidden by the Equal Protection Clause of the Fourteenth Amendment. . . [T]he choice in this context may not lawfully be mandated solely on the basis of sex."

—Reed v. Reed

13. How many Supreme Court justices agreed with the decision in *Reed v. Reed*?
 14. What is the main idea of the Court's conclusion?

Extended Response

15. Write a brief essay describing the procedure that Supreme Court justices follow in hearing important cases.

STOP

CivicsONLINE

For additional test practice, use Self-Check Quizzes—Chapter 8 on glencoe.com.

Need Extra Help?

| | | | | | | | | | | | | | | | |
|---------------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| If you missed question... | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 |
| Go to page... | 242 | 245 | 252 | 256 | 240 | 241 | 244 | 253 | 256 | 259 | 258 | 258 | 256 | 256 | 256 |

9. B The job of the Court is to interpret the Constitution. Answers A and C deal with issues that are not concrete and thus would not attract the Court. The Court also works for the national good, negating answer D.

10. D Students may recall President Jackson's refusal to obey a Supreme Court ruling, "Limits on the Supreme Court," at the end of Section 3. Answer A is a distractor because submitting an appeal to the Court means one is subject to it. Answers B and C

are Congress's options for getting around a Supreme Court ruling.

Critical Thinking

11. B This question challenges the students' understanding of the fundamental role of the Supreme Court to uphold the Constitution. The Bill of Rights comprises the first ten amendments to the Constitution. Answer A may distract students who are confused about factors influencing Supreme Court decisions. Political issues

are not to be confused with societal change. Answer C is a distractor for students who equate hypothetical questions with difficult decisions. Selecting D shows a student has no clear grasp of the Supreme Court's role.

12. C Freedom of the press is the only correct response. Selecting any other answer indicates no understanding of either censorship or press.

Document-Based Questions

13. All the justices agreed with the decision in *Reed v. Reed*.

14. The Idaho Probate Court, in denying Sally Reed the right to be the administrator of her son's estate because she was a female, violated the Equal Protection Clause of the Fourteenth Amendment. It is unconstitutional to allow dissimilar treatment of men and women.

Extended Response

15. Students' essays will vary. Look for supporting details from the chapter.

CivicsONLINE

Have students visit the Web site at glencoe.com to review Chapter 8 and take the **Self-Check Quiz**.

Need Extra Help?

Have students refer to the pages listed if they miss any of the questions.

Analyzing Primary Sources

Focus

C Critical Thinking

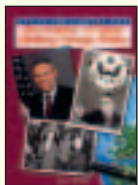
Identifying Central Issues Have students discuss the significance of what Margaret Chase Smith wrote by applying her comments to their own life experiences. **Ask:** *What does she mean when she writes “the exercise of these rights should not cost one single American citizen his reputation or his right to a livelihood”? (Students’ responses will vary but should all be germane to the basic principles of Americanism in the bulleted list.)* **AL**

Did You Know?

Senator Robert C. Byrd began his political career during the early years of World War II as a local butcher organizing for the KKK in West Virginia. In his autobiography, *A Senator’s Shame*, he confessed deep remorse and embarrassment. He does not deny, however, that his experience as a young Klan leader is what launched a lifelong career in politics.

Additional Reading

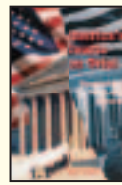
Review suggested books before assigning them.



Secretaries of State: Making Foreign Policy, by Jason Richie describes the history of the secretary of state, highlighting eight men who held this important position, including John Quincy Adams and Henry Kissinger.



Choosing the Candidates, by George Sullivan outlines how presidential candidates today are chosen by means of party caucuses, primaries, and national conventions.



America’s Courts on Trial: Questioning Our Legal System, by Elaine Pascoe notes that the Constitution guarantees every American the right to a fair trial, but after a number of recent controversial cases, some people question how fair the current system is.

Analyzing Primary Sources

The Federal Branch of Government

The Role of Congress

Senator Margaret Chase Smith of Maine was a senator who believed in the idea of true Americanism—those who believe in the freedom of America. Robert Byrd, who has served longer than any other U.S. senator, argues that the American people need statespeople in Congress, not politicians.

Those of us who shout the loudest about Americanism in making **character assassinations** are all too frequently those who, by our own words and acts, ignore some of the basic principles of Americanism—

- The right to criticize
- The right to hold unpopular beliefs
- The right to protest
- The right of independent thought

The exercise of these rights should not cost one single American citizen his reputation or his right to a livelihood nor should he be in danger of losing his reputation or livelihood merely because he happens to know someone who holds unpopular beliefs. Who of us doesn’t? Otherwise none of us could call our souls our own. Otherwise thought control would have set in.

—from “Declaration of Conscience” by Margaret Chase Smith, June 1, 1950

In the real world, **exemplary** personal conduct can sometimes achieve much more than any political agenda. **Comity**, courtesy, charitable treatment of even our political opposites, combined with a concerted effort to not just occupy our offices, but to bring honor to them, will do more to inspire our people and restore their faith in us, their leaders, than millions of dollars of 30-second spots or glitzy puff-pieces concocted by spinmeisters.

—Address by Robert C. Byrd, September 15, 1998

Reading Focus

Each of the excerpts are from persons who have served in the legislative, executive, or judicial branches. Each excerpt provides a view on the workings of that particular branch.

Read to Discover

As you read, think about

- how political and judicial leaders view their roles.
- what values and beliefs these leaders share.

Reader’s Dictionary

character assassination: the slandering of a person with the goal of destroying his or her public image

exemplary: showing or illustrating by example

comity: a friendly social atmosphere

usurpation: taking hold of by force and without right

pervasive: spread throughout

The Role of the Executive Branch

Two presidents write about the power of the executive branch.

I have used every ounce of power there was in the office and I have not cared a rap for the criticisms of those who spoke of my 'usurpation of power'; for I knew that the talk was all nonsense and that there was no usurpation . . . I have felt not merely that my action was right in itself, but that in showing the strength of, or in giving strength to, the executive, I was establishing a precedent of value.

—Theodore Roosevelt, letter to George Otto Trevelyan

[T]he government of the United States has become too big, too complex, and too **pervasive** in its influence on all our lives for one individual to pretend to direct the details of its important and critical programming. Competent assistants are mandatory; without them the Executive Branch would bog down.

—Dwight Eisenhower, letter to Henry Robinson Luce

The Role of the Supreme Court

Two justices write about the role of the Court.

A dissent in a court of last resort is an appeal to the brooding spirit of the law, to the intelligence of a future day, when a later decision may possibly correct the error into which the dissenting judge believes to court to have been betrayed.

—Chief Justice Charles Evans Hughes

[The Supreme Court is] somewhat of an umpire. It considers what the Congress proposes, or what the executive proposes, or what some individual claims, and rules upon these laws . . . by comparing them with the law as laid down by the Constitution . . . and then calls the strikes and the balls.

—Associate Justice Tom Clark



Photographs as Primary Sources

President Lyndon Johnson (right) discusses strategy with adviser Abe Fortas. What does this photograph tell you about Johnson's leadership style? Do you think his style was effective or not?

Caption Answer:

Johnson used an overbearing, dominant leadership style. Student opinion about the effectiveness of his style will vary.

DBQ Document-Based Questions

Answers:

1. Student responses will vary. The courage of Margaret Chase Smith is apparent in her refusal to be silent.
2. Except for alluding to the amount of energy it takes to lead as president, their views have little in common. Roosevelt clearly wielded his power in a clenched fist, and he did not worry about how his actions affected the other two branches or the nation. Eisenhower, on the other hand, ruled the executive branch with the help of all its members.
3. Chief Justice Hughes describes a dissenting opinion as a kind of precedent that some future judge may rely on to reverse the mistake of a former Supreme Court.
4. Students' responses will vary. One paragraph must explain a position with which the student agrees; another explains a position with which the student disagrees.

DBQ Document-Based Questions

1. **Explaining** Do you think Smith's stand was courageous? Explain.
2. **Comparing and Contrasting** How are the views expressed by Roosevelt and Eisenhower alike and how are they different?
3. **Explaining** What purpose does the dissenting opinion in a Supreme Court decision play?
4. **Evaluate and Connect** Select one of the passages that expresses a view that you agree with and select one with which you disagree. Write two paragraphs explaining your position.

265

Additional Support

Did You Know?

Judges as Umpires During his confirmation hearings for Chief Justice, Roberts echoed Associate Justice Tom Clark's baseball metaphor, "Nobody ever went to a ball game to see the umpire . . . It's my job to call balls and strikes and not to pitch or bat." Roberts's remarks revealed his intention to lead a Supreme Court that would have a limited role. The caseload of the Supreme Court

during Roberts's first term was more striking. The court took 40 percent fewer cases than the preceding term, during which the Court had the lowest number of signed opinions since 1953. By having a hands-off approach, Chief Justice Roberts is essentially curtailing the power of the judicial branch, or—as the baseball metaphor would have it—he's benching the judges.